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The Need for a Public Defender

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THAT "the true administration of justice is the firmest pillar of good government" is axiomatic. The framers of our Constitution understood this, and it has become a model for many nations that have since gained their independence and adopted the democratic way of life.

The "true administration of justice" requires that the rich and powerful and the poor and weak hold equal claims in the eyes of the law. When a poor person, without counsel, is charged with crime and left to fend for himself against all of the organized authority which society musters to prosecute him—the police departments, with their skilled detective personnel, equipped with the most modern devices and techniques of criminal detection, and the district attorney's office and his staff of highly trained prosecuting attorneys and investigators—the possibility of the miscarriage of justice is ever present.

A public defender is a public official, paid out of the public treasury, serving as counsel for a defendant financially unable to employ private counsel. He is, in effect, the counterpart of the prosecutor, and like him serves the cause of justice in our society.

Our traditional concept of American justice requires fair play. Dissidence feeds on a sense of injustice which rankles in the hearts of those who are made to feel that they have been penalized for their poverty. Injustice breeds divisiveness and constitutes a continuing threat to a free society. When people lose their faith in the impartiality of the machinery of justice they also lose faith in their government. We should not ask, therefore, whether the community can afford the cost of a proposed public defender system; rather, we must ask ourselves whether we can afford the consequences of maintaining a system which purports to guarantee the equal protection

of the laws to rich and poor alike, but in actual practice places a premium upon the financial ability of a person to defend himself in a criminal prosecution.

A person is presumed to be innocent until he is proved guilty, but when the authority arrayed by society to aid the proof of guilt is so overwhelming at the very outset, even the innocent may go to trial with two strikes against them unless they are defended by adequate counsel. It may appear odd for society to hire police, detectives, and a district attorney to apprehend and prosecute a suspect, and then hire a lawyer to try to get him off. But that is precisely what a civilized society owes to every person accused of crime who cannot afford to hire counsel of his own choosing, for acquitting the innocent is just as important to our social order as convicting the guilty.

Trial by Jury

The right of the accused to trial by a jury of his peers, as distinguished from trial by inquisition, was one of the cardinal principles of the Magna Charta. This right still constitutes the strongest bulwark against oppression of the individual by a sovereign state. Much blood has been shed in many lands by liberty loving people in defense of this freedom since that day on the plains of Runnymede.

But the right to trial by jury, unaided by counsel, often proved only slightly more advanced than trial by combat, in which the accused fought with his accuser under the apprehension that Heaven would give the victory to him who was in the right. A party who suffered from weakness or infirmity, youth or old age, had the right to nominate a "champion" to do "battle" in his behalf in these judicial combats. This right was also given to women.

Legal Complexities and the Sixth Amendment

The simplest criminal charge involves a maze of legal complexities which befuddles the most intelligent of men if they are not trained in the law. When our federal constitution was adopted, it was provided in the Sixth Amendment that "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury ... *and to have the assistance of counsel for his defense.*" Similar provisions were adopted by the several states comprising the Union.

The right of the accused to have the assistance of counsel for his defense became a fundamental and inalienable human right for the first time in the history of mankind. This right may be real to one who possesses the financial means to pay for his services, but it can be empty to the person who is without such means. Did the framers of our Constitution intend for the indigent defendant, who is often without family or friends, to stand alone before the bar of justice? The right to counsel for defense has become so basic that a conviction obtained against a defendant who was not represented by counsel will not be sustained unless he has properly waived such representation. The burden of safeguarding this right for the accused, especially when he is ignorant of his constitutional rights, is on the prosecution and the court. It is a violation of the due process clause of the Fourteenth Amendment to deprive a defendant of his right.[1]

One of the guiding principles of the framers of the Constitution was not to pre-empt the field of legislation; the Constitution establishes basic rights and the legislature is left free to implement them. Our forefathers pointed the way but our legislatures have been slow in implementing this right.

[1] *Bute* v. *Ill.*, 333 U.S. 640 (1948).

Assigned Counsel in Capital Cases

Congress provided for the assignment of defense counsel for indigent defendants in all capital cases arising in the federal courts shortly after the adoption of the Sixth Amendment, and this action was followed by similar legislation in the states. However, the state legislatures, as well as Congress, have been slow in extending this concept to all crimes.

Statutory provision for assignment of counsel is still limited to capital cases in the following states: Alabama, Florida, Maine, Massachusetts, Mississippi, Pennsylvania, South Carolina, and Texas. In Florida the assignment of counsel in a capital case is left to the discretion of the court. In Massachusetts it is mandatory only where the charge is murder in the first degree.

The wide divergence of attitudes which exist among the states with respect to the measure of their obligation to finance legal aid to indigent defendants is reflected in the amount of compensation allowed to defense counsel in capital cases. In Mississippi defense counsel is entitled to a minimum fee of $25 and a maximum fee of $50. In Virginia the fee is $25 if the offense is punishable by death or more than ten years in prison. In Wyoming and Idaho it is $50. A maximum fee of $100 is allowed in a capital case in Alabama, Florida, Montana, Nevada, and New Mexico. No provision whatsoever for compensation is allowed in many states; still others provide only for a "reasonable" fee. On the other hand, Massachusetts allows a maximum of $1,000, while New York provides a maximum of $1,000 where one attorney is assigned and $1,500 where two attorneys are assigned.

It would appear, on the basis of the foregoing figures, that an indigent defendant accused of murder would have a better chance of avoiding conviction in New York and Massachusetts than he would in some of our sister states—if the amount of compensation for legal services rendered is any guide. But fortunately this is not so, thanks to the scrupulous conscience of our courts and the legal profession. Courts are extremely careful in capital cases to assign only the best lawyers, who generally spare no time or effort defending their clients whether the fee be $1,000 or nothing. This is the honored tradition of the legal profession. But even if it were not, the glare of publicity attendant on every murder trial would be enough to draw forth the best effort of which counsel is capable—and that is why a public defender in capital cases is not so keenly needed. But in the field of lesser crimes, where the need for publicly financed legal aid is great, progress toward fortifying the Sixth Amendment has been at a snail's pace.

Voluntary, Uncompensated Counsel for Lesser Crimes

It took the Supreme Court over 140 years before it laid down the first rule requiring the assignment of counsel in *all* federal criminal cases.[2] This was subsequently codified in the Federal Rules of Criminal Procedure. It is to be noted that in the federal courts there is no provision for compensating counsel appointed by the court to represent defendants in criminal cases, however grave the charge and however much time may be required in the defense.

The case against the practice of assigning voluntary, uncompensated counsel to represent indigent defendants was clearly stated by a committee of the Judicial Conference of the United States composed of Judge Augustus N. Hand of New York, Judge Kerner of Illinois, Judge Bard of Pennsylvania, and Judge Rice of Oklahoma, all judges of the first order of ability,

[2] *Johnson* v. *Zerbst*, 304 U.S. 458 (1938).

in a report filed with the Conference in 1944, from which I quote:

It is to the honor of the legal profession that members of the bar respond cheerfully to the calls of the courts to represent poor and friendless defendants, accused sometimes of the most revolting crimes. Yet it is clear that when the cases of poor persons needing defense become numerous and occur repeatedly, the voluntary and uncompensated services of counsel are not an adequate means of providing representation. To call on lawyers constantly for unpaid service is unfair to them, and any attempt to do so is almost bound to break down after a time. To distribute such assignments among a large number of attorneys in order to reduce the burden upon any one, is to entrust the representation of the defendants to attorneys who in many cases are not proficient in criminal trials, whatever their general ability, and who for one reason or another cannot be depended upon for an adequate defense. Too often under such circumstances the representation becomes little more than a form.... It has been apparent for some time that it is not a sufficient means of giving effect to the constitutional right of poor persons accused of crime to the assistance of counsel. It may work satisfactorily when the criminal cases in which it is necessary to assign counsel are relatively few and infrequent. Experience has shown that it cannot be relied on for any extended period when the burden of such work is heavy, particularly in populous districts.

The assigned counsel system worked fairly well in those rural counties of New York where major crimes were few. This was the consensus among the district attorneys representing the sixty-two counties of the state, according to a statewide survey conducted by the Attorney General's office in 1955 while I was its incumbent. In the more populated areas of the state, where the crime rates were higher, the survey showed that the burden had become entirely too heavy for the voluntary, uncompensated system and that a paid public defender system was needed to provide continuous, adequate, and dependable representation.

A problem which strikes even deeper into the heart of our social structure was also disclosed by my survey. As in most states of the Union where defense counsel is assigned by the court, the practice in New York is confined to those courts having jurisdiction over major crimes only; namely, felonies and certain serious misdemeanors. In the inferior criminal courts indigent defendants do not even get the benefit of voluntary, uncompensated counsel. While it would perhaps be quixotic to expect society to shoulder the burden of defending all accused indigent persons, the youthful offender accused of even a minor crime presents a special problem.

The Juvenile Offender

There is sometimes a tendency to minimize domestic problems in our preoccupation with such world-shaking questions as peace or war and thermonuclear armaments. But the scourge of juvenile delinquency—youthful disregard of society's laws—also poses serious ethical, moral, and religious problems. The rehabilitation of the youth who has run afoul of the law must begin from the moment of his first contact with the process of justice. This process has a critical effect of its own upon the rate of juvenile delinquency and youth crime. The rehabilitation for which we must strive cannot be effectively accomplished unless there be justice in the first instance; the aid of trained counsel representing the offender is indispensable to this process. When we fail to provide adequate legal representation to the impoverished youngster whose family cannot afford to retain private counsel, we not only do violence to his constitutional rights but offend society itself

by impeding or preventing his rehabilitation.

The lower criminal courts are often the first court contact of the youth charged with the most serious felonies. In the absence of adequate legal representation on first arraignment, the accused may barter away his rights and privileges as a citizen in the hope of lenient treatment and thereby acquire a criminal record which will follow him the rest of his life. Many youths should be—and, if properly defended, could be—saved from this stigma, which often accomplishes little in correction or rehabilitation and may in fact graduate them into confirmed criminality. When this happens, we are fostering juvenile delinquency simultaneously with our efforts in other directions to curb or prevent it. It has been my feeling that no youth should ever stand trial or plead guilty to even the slightest misdemeanor without the advice or aid of counsel. Whatever progress has been accomplished in making effective the Sixth Amendment—and to date, with but a few exceptions, it has not been enough—there has been an almost complete disregard of the special problem of the youthful offender at the inferior criminal court level.

How Many "Indigent Defendants"?

Six out of every ten persons cannot afford to engage counsel of their own choosing. In metropolitan areas the proportion is higher—as many as eight out of ten require public or voluntary legal aid. You get an idea of the magnitude of the problem on a national scale when you consider that the New York criminal courts each year dispose of cases involving almost a quarter of a million defendants accused of all manner of crime, not including traffic and local ordinance violations.

A recent survey showed that of indigent defendants accused of crime, 40 per cent received no form of legal aid whatsoever. Of the remaining 60 per cent who did get legal aid—by public defenders, voluntary defender organizations such as the Legal Aid Society, or counsel assigned by the courts—no more than 25 per cent had been given an effective defense. The establishment of a public defender system is the answer to this state of affairs. In thinly populated areas, where the system of court-assigned counsel is practicable, an exception can possibly be made. Counsel should be paid a reasonable fee, plus necessary expenses.

Extent of Public Defender System

The idea of a private defender had its origins in antiquity but the idea of a public defender is relatively new. It was suggested by a woman lawyer from San Francisco at the Chicago World's Fair in 1893. It was not until 1913, however, that any community in this country established a public defender office, the honor going to Los Angeles.

The public defender concept is no longer a novelty. Nine states—California, Connecticut, Illinois, Indiana, Minnesota, Nebraska, Oklahoma, Rhode Island, and Virginia—as well as Puerto Rico and the Canal Zone have adopted the system. In addition, public defenders exist in some municipalities: in Columbus, Ohio; Memphis, Tennessee; and St. Louis, Missouri. In many other cities private organizations, such as the National Legal Aid Association, the Philadelphia Voluntary Defender Association, bar associations, and others, furnish representation to indigent defendants in criminal cases. In some places (as in Rochester, New York), limited public funds are available; but the time has come to recognize that poor persons accused of crime should be treated as public responsibilities, not objects of charity.

Results

Has the public defender system, in the states where it is now in use, justified the expectations of its advocates? Last year, when I was New York's Attorney General, a nation-wide survey conducted by my office on the efficacy and operating cost of the system disclosed the following results:

1. *The defendant is assured of justice and fair play.* Defendants who previously suffered from all of the shortcomings of the system of voluntary, uncompensated counsel (or no counsel whatever) now have the benefit of the trained and specialized services of well-paid public officials with the means and facilities to conduct a proper defense based on the law and the facts, thus assuring the defendant a fair and speedy trial. This is of special importance to innocent persons and youthful offenders.

2. *The public benefits.* The defendant is not the only one who benefits under a public defender system. The public benefits, too, directly and indirectly, economically and ethically. The dollars saved when a salaried public official is substituted for assigned counsel who are awarded a reasonable fee can conceivably amount to one-third of the cost of court-appointed attorneys.

3. *Court time and court expenses are reduced.* The number of court days consumed in the disposition of criminal cases is considerably reduced by avoiding unnecessary trials, shortening the duration of trials, cutting down on unnecessary procedural delays, and avoiding dilatory tactics (court-appointed counsel must frequently seek adjournment, since they must give their paying clients priority on their time). In one large metropolitan area it has been generously estimated that the savings were more than enough to pay for running the office of public defender (based upon the daily cost of maintenance of the average superior criminal court—with its judges, court clerks, court attendants, juries, and witnesses). However magnified such an estimate may be, it does indicate that an able public defender can at least help cut down the high cost of running the courts and pay his own way.

A word of explanation on what I mean by avoiding unnecessary trials: When a public defender takes office, the number of guilty pleas usually increases. But this is not the result of any set policy; rather it reflects a more scrupulous accountability to the public and the welfare of the guilty defendant. Sometimes the investigation by the public defender uncovers evidence against the defendant, and he advises the defendant of this. This may spur the defendant to make a complete confession of his participation in the crime. The result is usually a plea of guilty to the crime charged, or to some lesser charge.

4. *A more wholesome atmosphere pervades the criminal court.* A criminal trial is no longer simply a battle of wits, but an exercise in the true administration of justice. The result is a general raising of the tone of the criminal courts and a greater respect for the process of justice. This is an intangible public benefit whose value cannot be measured in money and one which money alone cannot purchase.

It is to be hoped that the day will not be far distant when the public defender concept is accepted, and the system adopted throughout the United States.

Authority Is My Job

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I HAVE observed among social workers generally a pronounced reluctance to employ any degree of authority in their casework. When exercise of authority is indicated, some other person or agency is sought to "wield the club of authority" for them. Even such uses of authority as making adverse decisions—reducing a grant, referring to court, denying a service, or confronting a client with some misdeed—are often evaded by referral or attempted referral to "higher authority," a supervisor or outside agency. The reason most commonly given for this evasion is that the use of authority is detrimental to the client-worker relationship (by being inconsistent with casework process, by violating the principle of self-determination, etc.).

Mrs. S., child welfare worker, has a young client who is neglecting her baby. She thinks the girl should be referred to juvenile court, but does not want the girl to know she made the referral, nor does she wish to testify in the case, since "If I did I could never work with her again."

Mr. W., probation officer, meets one of his former probationers who has run away from the correctional school. He tries to persuade the boy to return voluntarily, but does not apprehend him, since "I am his friend and caseworker. Apprehending him is a function of the police department."

Miss J., student supervisor, believes that her student should be dropped from social work training, but doesn't want to be the one to tell her. "This is not my role. The university should interpret this decision to her."

It is necessary for the central youth agency to call a conference of parole agencies in order to settle various irregularities in cases of parole violation. The difficulty boils down to this: No one wants the job of telling the parolee he has violated and must return to the institution, since "I don't want to be the dirty so-and-so in the boy's eyes."

Mr. R., parole officer, is faced with the necessity of returning a violator. On the morning of the fateful day his ulcers act up, he doesn't feel like coming to work, and would the supervisor please do this favor for him?

Origin of Resistance

I believe that no other members of a profession are as adept as social workers at passing the buck and then rationalizing the act in some professional jargon. But why all this resistance to use of authority? What underlies such strong feelings? Where do they originate?

I believe that all of us have had some unpleasant experiences with authority—parents, older brothers and sisters, teachers, principals, police, drill sergeants, petty officials, the clergy, employers, *et al.*—who have abused their authority by "throwing their weight around"; that is, by forcing us against our will to do something we felt was unnecessary, merely (we felt) to gratify their own need to dominate or control. This aroused in us anger, rebellion, hate, defiance, fear, and other feelings, most of them hostile. If the experiences were repeated often enough, we came to build up con-

siderable resistance, not only to persons in authority, but even to inanimate objects which were symbols of authority—traffic lights and speed signs, uniforms and insignia, school and civic buildings, religious fetishes, and government directives. Consider, for instance, the citizen who wrote in bold hand across his tax form, where it was marked DO NOT WRITE IN THIS SPACE: "I'll write where I damn please!" Or the youth who carried a pocket size New Testament specifically for use as toilet paper. Or the man who stormed for three days because the driver's license examiner wrote "Rides the clutch" on his wife's test report. Whose clutch was it, anyhow, and what business was it of theirs if his wife burned out a clutch every week?

Thus we are made constantly aware of the rather general animosity toward authority which reinforces our own feelings. Since we are uncomfortable when people express such hostility toward *us,* we therefore resolve to avoid their negative feelings by being nonauthoritative.

This feeling is related to another rather universal desire—our need to be liked. Now there would be something lacking in a caseworker's psyche if he did not care whether a client liked him. Since we are members of a gregarious genus, this yen for the approval of our fellows is a normal drive and is, I believe, a basic and necessary trait for a social worker. The solution to the problem does not lie in denying or overcoming our need to be liked, but in recognizing it and exercising emotional discipline accordingly: "If I decide against this client's will, he will dislike me. This could unconsciously sway my judgment if I do not recognize my own need. Therefore, I consciously will not let this factor alter my decision."

But there is more to this problem. Authority is associated in our minds with punishment; the person in authority is given the right to punish in order to enforce his authority. Look at the back of a dime. You see the *fasces,* ancient Roman symbol of authority—an axe bound in a bundle of rods. The rods were to flog us, the axe to lop off our heads, if we misbehaved, and the symbol was borne before the magistrate to remind the populace of the fact. This ancient concept of authority may be somewhat modified now, but still the word "authoritarian" is synonomous with "punitive."

Social workers generally are not punitive. They are, like Friday's child, "loving and giving." One social worker confided that her favorite job would be to run the "Welcome Wagon," an enterprise to bring gifts from local merchants to newcomers in the community. Another stated that she would like to have a demonstration job in a store where she could give away tidbits of food to customers and children. This trait is not unrelated to our need to be liked, as described above, but there is more to it than this. Since we are nonpunitive and nonsadistic, human suffering arouses a sense of empathy in us, and we too suffer. And since authority and punishment are associated in our minds, we cannot exercise authority (punishment) without experiencing a twinge of pain. In addition, we feel guilty for being punitive, and this cements our other negative feelings.

Realities

These, then, are some of the reasons we shrink from the use of authority. Let us consider some of the specific aspects of the authority question.

1. *Authority is an inherent part of all casework.*

I have heard skilled social workers state that a caseworker in an "authoritative" agency should divorce himself from the authoritarian aspect of his agency and remain scrupulously aloof and apart from it; otherwise, the client will not feel free to express any negative feelings toward the agency, no catharsis will occur, movement will be retarded, etc.

I disagree. Identified as I am with an "authoritative" setting, I find the negative expressions of my clientele so ready and profuse that I am limited only by my ability to absorb the hostility, and not by my identification with the agency. The degree to which I can help a client express negative feelings is determined by the kind of person I am, and not by my affiliation or disaffiliation with the object of those negative feelings. If I can absorb hostility, I can do it in or out of the agency. If I cannot, then dissociating myself from the agency will be of little help.

But can we ever divest ourselves of authority in social work?

Mr. and Mrs. D., ages 48 and 44, apply to an adoptive agency for a baby. Because of agency policy regarding age, they must be denied. Is this authority?

Mrs. G., foster mother, has been testing the tolerance of the agency to a point that is harmful to the foster children. Her home must be closed. Is this authority?

X Family Agency finds that Mrs. R., a mother obtaining help for herself and a problem child, is playing the child against the agency in a manner defeating the agency's efforts. She must be faced with a decision: desist or withdraw. Authority?

Denny, age 10, comes weekly to the Z Guidance Clinic for an extremely permissive play therapy session. He can be as destructive as his little hostile heart desires—well, almost. Today he decides to build a fire with the books and games in the play room. If the therapist doesn't intervene the place will burn to the ground. Shall he exercise authority?

Mr. H., caseworker at a correctional school, hears a scuffle behind the kitchen and finds two boys beating up the cook. Shall he pull them off or let the cook get mauled while the hash burns?

Let's face it. If we are going to work in a casework agency we will have policies to follow and rules to enforce. We will do this in as friendly and kindly and nonpunitive a manner as possible. We will strive to make the client feel that though we deny his unreasonable demands, we still like him and do not reject him. If the decision is ours to make, we do not hedge or try to cover up, but state frankly, "This is my decision, for these reasons (policy, eligibility, limitations, etc.). I'm sorry we can't help."

This brings up a common misconception. Our courts, parole agencies, correctional schools, and child protective agencies are often referred to as "authoritative agencies" because they exercise authority. Wherein do these differ from the agencies in the examples above? Do we who work in them use a different set of casework principles? Different techniques? Different criteria for our policy? I consider that the principles of social work are as applicable in the field of probation and parole as in the most permissive agency, and that we do not employ authority differently nor violate any principle in using it. We do not use it unnecessarily or to fill our own needs. When we use it, we do it openly and honestly. We explain our reasons, but do not apologize or make excuses for doing our job. Does this, then, differentiate us from a "nonauthoritative" agency?

Jed, age 16, has violated his parole. It is a borderline case, and we feel he should be returned to the institution:

"Jed, you know my job is to help you. My problem is whether you can be helped most back at the school or out on parole. Now you know that the parole committee must make the final decision on this, but they expect me to make a report—not only of your offense, but of how you are getting along in school, at home, on your job, and at club. I will only tell them the facts, Jed. And they also expect me to recommend what I think is best for you. They may or may not follow my recommendation. Jed, I am recommending that you be returned to the school because of ——."

Would our handling differ essentially if the client were a welfare recipient, for instance, whose grant must be reduced when we discover a source of income she has not reported? Or if the client were a boy who must be dropped from summer camp? Or a mother who fails to keep clinic appointments?

Now suppose that instead of this approach we cover up and send in our recommendation without Jed's knowledge. His first question to the parole committee is:

"Why was I brought back?"

"You violated your parole, Jed."

"I want to know how!"

"You violated the —— rule, in that you did ——."

"Jeez, that ain't enough to bring a guy back. You let Pete stay out for the same thing."

"But that was not all, Jed. You were not getting along in school, at home, or on your job."

Now even if the committee tries to cover up for us, the boy knows that only one person could have provided this information. Therefore we have not leveled with him and we do not have his trust. If we were going to recommend his return, he says, why didn't we have guts enough to tell him so? Our attempt to preserve a relationship had the opposite effect. In reality, then, whose needs were we filling—the boy's or ours?

2. *People also have some positive feelings toward authority.*

A child receives an injustice at the hands of another and if he cannot lick the offender, he appeals to authority—parent, teacher, or coach. Most of us will recall having in our adolescence an older person other than our parents whom we sought out for opinions in the momentous matters of youth. Every correctional school, jail, or prison has its "Philadelphia lawyer" who spends his time advising his fellows of their inalienable rights under the law—the ultimate authority. The layman would be astonished to find how much respect the offender has for the law—when he needs it.

Oftentimes it has been my experience that the person with a strong resentment of authority also has positive feelings toward it. Literally hundreds of times in the correctional school, boys have expressed directly or indirectly their desire for greater control in their cottage: "Give us a guy that can make us do what we are supposed to," etc. Invariably this request comes from the oldest and most mature group—those who are also the most resistant. If I wished to create maximum anxiety in a group of aggressive boys, I would appoint a Caspar Milquetoast as the supervisor, a person who the boys know is unable to control their aggression and protect them from themselves. I know of nothing more threatening to a group of aggressive adolescents than fear of their own unbridled aggression. It is true that they need a wise supervisor who can let this aggression drain out slowly with the floodgates only partly open. But the boys must know that when the chips are down, the supervisor has the ability to control them.

Ron K., age 17, was ready for parole but had no place to go. I took him to visit

a boys camp where he could get a job, visit in town on frequent passes, and have many other privileges unknown to the correctional school. But the camp was without administration at the time and was quite disorganized. He observed that the boys told the supervisors to go to hell, drop dead, shove it, or simply ignored their requests. On the return trip I asked how he liked the looks of the camp.

"Naw, I don't think I'd want to live there."

"Why not, Ron? You get lots of advantages there that you don't have now."

"Yeh, but jeez, did you hear the way those guys talked to the supervisors? They won't let us do that in —— School. I don't want to live in a place like that, man."

This lad, incidentally, was one of our more resistant boys.

3. *Exercise of authority does not*, per se, *invoke negative feelings.*

I have implied that we all—and youth particularly—demand to know why; that exercise of authority creates hostility if its object can see no sense in it. One of the commonest mistakes we adults make is to answer a "why" question by saying, "It's the law." But wait. We have reasons for these laws. They are predominantly good laws, and when the reasons underlying them are explained, they make sense to adolescents as well as to adults. We invite resistance when we say: "You can't get married without our consent; that's the parole rule." With a few more words we could explain: "Bob, we've seen lots of cases where kids have married without being ready, or even when they didn't really want to, just to spite someone or maybe to escape from some unpleasant situation. We've seen a lot of trouble and unhappiness come from these marriages. We believe we could prevent some of these marriage problems if we had a chance to talk it over first. So we believe this rule will help you. That's why we made it."

Again the degree of service I can render is measured by the kind of person I am. If I have a firm conviction regarding the sanctity of the individual's integrity—a basic principle of both social work and democracy—then I will uphold his right to ask why, and will recognize my obligation to answer. But if I believe the individual forfeited this integrity when he became an offender, I cannot help him. If I use my authority dogmatically, capriciously, or punitively, I get hostility. Or, if the youth feels it was used unfairly, that he had no chance to tell his story, or otherwise failed to get a fair shake, we get hostility. Or if it is not consistent—if we vacillate between rigidity and leniency. Then it is not the use of authority specifically that he resents, but the *abuse* of it. This brings us to:

4. *Authority can be abused by underuse as well as by overuse.*

Any person can cite examples of children who express hostility toward domineering, dictatorial parents. But some of the most hostile children I have known were children of spineless, ineffectual parents. I believe that children know intuitively that they need a certain degree of control over their impulses, and want it. But when this need is not filled, as with any other unfilled need, frustration and anger result. Thus negative feelings can come of underuse as well as overuse of authority.

Consider the methods of two different workers at a correctional school. The first told the students: "Now if you run away from me, I'm not going to chase you. That's not my job; you should understand this." Needless to say, his offer was accepted. By contrast, I was with his successor when we apprehended a runaway girl. She was so violent that it required two of us to hold her in the car. On returning to

the institution the worker asked to handle her alone since he had considerable experience with violent mental patients. He held her so firmly that she could scarcely wiggle, yet at no time was he rough or unkind to her.

I can verify that the second worker was far better liked and respected by the students than the first. He had far better relationships and they trusted him more with confidences. You be the judge as to which worker was of greater service to the institution.

By his act, the second worker said: "I *believe* in this institution. I am identified with it, part of it, and I am going to help make it work." This was why the students trusted him more than the first worker—they could trust a man who was true to his own job.

But, you say, do not social workers —those who have deep-rooted needs to control, or dominate, or punish—also overuse their authority? Isn't there evidence that most of us have at least a vestige of such traits? Aren't such workers found in probation and parole? Too true. But the literature is rife with discussion of this aspect of authority. It is the area of underuse that has been neglected.

5. *One of the most valuable services a correctional worker can give a youth is a new experience with authority.*

Among the delinquent youth of my experience, no trait is more common than conflict around authority. I will not probe the dynamics of adolescent-versus-authority, since this too is amply covered in the literature of the field. I will simply point out that at no other time in life is this conflict so intense as between the ages of fourteen and eighteen. Therefore, a worker can render few services more useful than helping dispel these conflicts; he can disabuse the mind that believes that authority is inherently bad—harsh, punitive, and domineering. But why is this so important? Do not most people "outgrow" such conflicts when they reach their twenties, are emancipated from parents and school, work and live away from home, marry and achieve a degree of independence? And aren't the remaining anti-authority feelings desirable—don't we expect a person to have a little normal resistance, a little of what we commonly call "spunk" or "gumption"? Why, then, concern ourselves with authority conflicts?

It is true that they usually diminish in intensity. But we see daily examples, such as those I have illustrated above, of retained conflicts—or more accurately, of conflicts reactivated by subsequent brushes with authority. Such conflicts may or may not interfere with the equilibrium of our daily lives, depending on many factors.

William H., age 52, is a skilled craftsman. He turns out good work and lots of it. One employer stated he could do the work of three ordinary men. He logically could have an income well above the average journeyman. But Mr. H is unemployed at present and his family has been on and off welfare for twenty years. He lives in a shanty in a slum area. A few years ago I helped get him out of jail where he had been put for punching his boss in the nose. He has rarely held a job for more than a few weeks, and has been fired many times after clobbering his boss. It is almost impossible for him to take a direct order without shouting back his defiance or stomping off the job in a huff.

Jerry T., age 28, was in the army disciplinary barracks for attacking a drill sergeant. He subsequently received a dishonorable discharge. His army record showed a long history of troublemaking—principally resistance to military authority.

Mrs. L., a social work student supervisor, is having difficulty helping a student to accept the decision of the agency administrator. Mrs. L's solution: the administra-

tor should be fired and replaced by someone who agrees with her. In short, she cannot help the student with a problem she has not solved herself. On the contrary, some of her problem rubs off on the student.

Miss S., a secretary, develops severe headaches and must go home whenever she has a tiff with her boss. It appears that she precipitates most of these altercations herself. Not so with a friend of hers, though. He "chokes back" his wrath, and develops asthma.

Can't most of us, in fact, recall an occasion or two when a reactivated conflict with authority has interfered to a degree with our personal or professional lives? How many of the people cited above might have been helped by a therapeutic experience with authority? How many of the youths on our current caseloads will carry these authority conflicts on into adult life, and be handicapped accordingly?

We can be helpful, then, to a youth with such conflicts by giving him a new experience with authority, by demonstrating that authority can be benign, kindly, and helpful. The worker can never accomplish this by abstaining from the use of authority. To demonstrate it he must use it. That is why I say that authority is my job.

Special Intensive Parole Unit

Relationship between Violation Rate and Initially Small Caseload

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THE steady growth of our prison population leads inevitably to an increase in the number of offenders to be handled outside the institutional setting. Classic frustrations found in parole agencies stem from large caseloads and an apparently undiminishing rate of parole violations, most of which occur early in the parole period.

The pressure of this condition has created, in California, a project known as the Special Intensive Parole Unit, referred to for convenience as SIPU. It was originally designed to test two basic hypotheses:

1. The release of prison inmates to a small, intensively supervised caseload during the first three months of parole will result in substantially lower violation rates during this early phase of parole.

2. Men can be released on parole from prison on an average of three months in advance of the time they would normally be released, without any hazard to public safety.

Three distinct phases of the project have emerged thus far:

Phase I, the primary subject of this article, ended on December 31, 1955, after twenty-three months of operation; in this period, caseloads of fifteen parolees each were accorded intensive supervision during the first ninety days after release and were then transferred to the normal ninety-man caseloads for regular supervision.

Phase II, currently under way, will terminate December 31, 1957; in this part of the project, caseloads of thirty men are supervised intensively for an initial period of six months before transfer to a regular caseload. Phase II is concerned with minor modifications of the first hypothesis above, in the concepts of duration of intensive supervision and degree or definition of intensiveness.

Phase III, now in the drawing-board stages of design, will carry the project from 1958 to 1961. Further modifications in or additions to the hypothesis may be indicated as the planning for Phase III develops.

Needless to say, the conception, structuring, and operation of a research project of this nature demand the contributions of many persons from different fields. Individuals concerned with SIPU were drawn not only from correctional services in California, but from other state agencies, other disciplines, and the universities. As a result of this cooperative effort, SIPU has had unanticipated beneficial side effects. It has had a favorable effect upon the entire Division of Adult Paroles and has stimulated a growing

interest in program research among correctional agencies in California. SIPU has further coordinated research planning within state agencies and the state institutions of higher learning.

Structure of the Project

In California the Division of Adult Paroles is administered by the paroling agency, the Adult Authority, as distinct from the Department of Corrections, which operates all adult penal institutions. When SIPU was initiated the Division of Adult Paroles had twelve district offices throughout the state, staffed by approximately 100 parole officers, each of whom supervised approximately ninety parolees. The parole policies of the Adult Authority were necessarily based on the character of supervision which could reasonably be expected of an officer carrying a caseload of this size.

Since one of the hypotheses called for the testing of advanced parole releases, the Adult Authority agreed to advance the release of 800 inmates per year for an average of three months per man. This number was large enough for us to arrive at a valid evaluation; furthermore, it made the financing of the SIPU project a comparatively easy task. The advance release of 800 inmates per year permitted funds previously designated for the Department of Corrections for the institutionalization of the 800 inmates to be allotted to the Division of Adult Paroles for hiring the personnel and purchasing the equipment needed to operate the project. It was determined that fourteen caseloads would be established, thus permitting intensive supervision of about 800 parolees per year.[1]

[1] 15 in each 3-month caseload = 60 a year per officer; 60 × 14 officers = 840 parolees per year.

To advise in the preparation of a research design for the systematic recording and evaluation of results, a committee representing the following was convened by the Chairman of the Adult Authority and the Director of Corrections: Department of Finance; State Personnel Board; California Youth Authority; Bureau of Criminal Statistics; Legislative Auditor; University of California, Berkeley; University of California, Los Angeles; University of Southern California; National Probation and Parole Association. Officials of the Department of Corrections, the Adult Authority, and the Division of Adult Paroles participated in the deliberations of this committee, which has met periodically under the chairmanship of the Dean of the School of Social Welfare, University of California at Berkeley.

The research design recommended by the Advisory Committee and approved by the Adult Authority provided for the establishment of a pool of inmates to be released on parole. Assignment of parolees to intensive and regular caseloads was made at random. The pool contained inmates whose release on parole had been scheduled for the usual time and those who were being released ninety days earlier than usual. Excluded from the pool were certain types of inmates who for various reasons were considered unsuited for supervision in intensive caseloads—narcotic addicts (other than marijuana users); psychotics and mental defectives; physically incapacitated inmates; non-English speaking inmates; and inmates paroled to out-of-state, custody, or to sections within the state where parolee population, employment conditions, distance from the nearest parole officer, etc., precluded establishment of intensive or control caseloads. From this

pool—approximately 80 per cent of the inmate population—there were assigned at random sufficient numbers to maintain fourteen fifteen-man caseloads distributed throughout the state; the remainder went into the normal ninety-man caseloads. Inmates who had their parole dates advanced were distributed evenly between the fifteen-man (intensive supervision) and ninety-man (normal, control) caseloads wherever geographically possible. Records of the selections were kept by the Division of Adult Paroles and were furnished to the Bureau of Criminal Statistics for machine coding and tabulation. Graphically the study design to reflect both hypotheses may be presented on the tabulation below:

	15-man Caseloads	90-man Caseloads
Advance release		
Regular release		

Operation of the Project

Project operation was scheduled to start on July 1, 1953. Because of the many problems of reassignment of caseloads, recruitment and training of new officers to replace those assigned to SIPU, and the development of administrative procedures to govern the project, actual operation did not get under way until August 1, 1953. Some caseloads were not completed until October, 1953. Because of this and other factors contributing to the lengthening of the initial period necessary to organize fully the SIPU project, it was agreed that statistical evaluations should date from February 1, 1954.

With regard to personnel selection, the Adult Authority and the Advisory Committee decided that the research design, which called for the comparison of groups of parolees distinguished by the variable of caseload size only, required that the parole officers assigned to the project should be representative of the Division personnel. The results for future agency operation, it was agreed, would not be valid if only the best qualified officers were selected.

Two additional factors in the selection of SIPU parole officers were voluntary participation and previous agency experience. Random selection of employees was not possible. Within the limits established by the officers' wishes and geographical considerations, considerable diversity was achieved among the original fourteen SIPU officers—ranging from one officer with twelve years of parole experience who had only a high-school education, to four officers who had completed graduate curricula in social welfare or psychology. Experience with the agency ranged from less than one year up to twelve years.

The fourteen intensive caseloads were geographically established as follows:

Fresno	1
Glendale	1
Huntington Park	1
Long Beach	2
Los Angeles	3
Oakland	1
Sacramento	1
San Diego	1
San Francisco	2
San Jose	1

Caseloads were located throughout the state to reflect employment and living conditions wherever parolee population permitted.

Some of the mechanics of SIPU operation were well described in an early progress report:

To govern the operation of the project a general directive was issued by the Chief of the Division which set forth the special regulations needed to insure project consistency and uniform research standards. ... The average period of SIPU supervision having been set at three months, an average intake of five cases per month per caseload was agreed upon. It was therefore obvious that the average period of three months for each parolee in the caseload had to be closely adhered to if the caseloads were to be maintained at the average level of fifteen. It was nevertheless recognized that the solution of parole problems does not lend itself to timetable restrictions and that a certain amount of flexibility would be needed if the project were to operate practically. It was therefore stipulated that transfers from SIPU to regular caseloads would not be made before a minimum of sixty days without the approval of the Chief of the Division. Cases could also be continued on SIPU up to a time limit of six months with the approval of the Chief. In operation, SIPU caseload size has tended to average eighteen per SIPU parole officer. Despite the opinion of the field officers that three months was insufficient time to work with their parolees, transfers were made very close to the three-month period....

Standards of visitation were established on a flexible basis. A minimum of one contact per week with each parolee was required, but it was expected that this minimum would be exceeded in most cases. The study indicated that practice, while ranging within wide limits, has tended to average between eight and nine contacts a month with parolees, their employers, their families, and their neighbors.[2]

The SIPU recording requirements were similar to those used for cases under normal parole supervision, except that reports were established on a more frequent basis and follow a somewhat more comprehensive and detailed outline than those in regular caseloads.

In connection with the hypothesis of advanced parole dates, the Adult Authority agreed that men in the SIPU caseloads could be released on their due date without the usual requirement of assured employment, the premise being that the SIPU officer would have sufficient time to arrange suitable employment after release.

Evaluation of Statistical Data

The fifteen-man study covered a 23-month period, from February, 1954 through December, 1955. The first statistical study was made at the end of thirteen months, approximately the halfway point.

Originally in the study, suspension of parole within 6½ months was used as the measuring device to determine success or failure. For various reasons this was considered unsatisfactory and a new measuring device was introduced. By checking arrest records and parole files, we devised a new criterion —"major arrest," an arrest followed by conviction and sentence of sixty days or more. (Also included as "failures," though not falling within the definition of the criterion, were a few unprosecuted cases of obvious felony offenses by parolees.)

As mentioned above, this study attempted to test two major hypotheses:

1. "Release of inmates to a special caseload for a period of three months of intensive supervision will result in substantially lower violation rates during the early phases of parole." (A caseload is "special" only by size—fifteen parolees—and by frequency of contact—a minimum of four visits a month.)

2. "It is practical for the Adult Authority to release men on parole for an average of three months in advance of

[2] Report of Progress, Special Intensive Parole Unit, Sacramento, Calif., Adult Authority, September, 1955.

the usual time without hazard to the public safety."

With respect to the second hypothesis, those men selected for advanced release did just about as well as those not advanced, both in the control group and in SIPU. Of the 1,342 men whose parole dates were advanced, 14.7 per cent underwent a major arrest within 6½ months, as contrasted with 15.3 per cent of the 2,451 men released on their regular parole date. Using the suspension criterion, we find that 17.3 per cent of the advanced-release men had their parole suspended within 6½ months, as contrasted with 19.2 per cent of the regular-release parolees. Examination of the violation rates for advanced and regular releases in the fifteen-man and ninety-man caseloads fails to reveal any significant differences.

The implications of this part of the study are great. A substantial amount of money is saved: reduction of the prison population decreases maintenance costs and cuts overhead and future capital expenditures. Additional savings are achieved by the earlier discontinuance of public assistance to the families of inmates and by increased income and other tax revenue paid by parolees. More important is the gain in human values by the earlier return of men to their families, homes, and society.

The results of testing the first hypothesis are not so clear. The statistical report covering the first thirteen months showed that the intensively supervised parolees violated significantly less frequently than did the control group. Tables 1 and 2 show a difference favoring the fifteen-man caseloads of 5.7 per cent in the major arrest rate and 8.4 per cent in the suspension rate for the first thirteen months. During the last ten-month period of the study, the major arrest and suspension rates were actually lower for the control group than for the intensive supervision group. Although the statistics for the entire twenty-three months show lower violation rates for the fifteen-man caseloads, the trend for this group (in terms of gross comparison of violation rates) during the first thirteen months did not continue during the latter part of the study.

The greatest shift in violation rates occurred in the ninety-man caseloads. Table 1 indicates that while the major arrest rate for the fifteen-man case-

TABLE 1
MAJOR ARREST VIOLATIONS WITHIN 6½ MONTHS

Parole Date	15-Man Caseloads			90-Man Caseloads		
	Total paroles	Major arrests	Per cent	Total paroles	Major arrests	Per cent
Total 23 months	1,479	210	14.2	2,314	363	15.7
Total 13 months Feb. '54 to Feb. '55	823	108	13.1	1,126	212	18.8
Total 10 months Mar. '55 to Dec. '55	656	102	15.5	1,188	151	12.7

TABLE 2
NUMBER SUSPENDED FOR VIOLATIONS WHICH OCCURRED WITHIN 6½ MONTHS

Parole Date	15-Man Caseloads			90-Man Caseloads		
	Total paroles	Suspended	Per cent	Total paroles	Suspended	Per cent
Total 23 months	1,479	244	16.5	2,314	459	19.8
Total 13 months Feb. '54 to Feb. '55	823	136	16.5	1,126	280	24.9
Total 10 months Mar. '55 to Dec. '55	656	108	16.5	1,188	179	15.1

loads increased 2.4 per cent during the latter half of the study, the control group showed a decrease of 6.1 per cent. Even more pronounced is the difference in Table 2; here we find that the suspension rate for the fifteen-man caseloads remained the same (16.5 per cent) throughout the entire study, while the control group rate dropped from 24.9 per cent to 15.1 per cent, a decrease of 9.8 per cent.

There were numerous variables which could not be controlled, but which undoubtedly influenced the shifts in the statistical data of the program. Among these were liberalization of agency policy and attitude to provide a more effective parole service, shifts in SIPU personnel, etc. Although officers supervising regular caseloads could not do the same qualitative job as SIPU officers, some of the techniques and attitudes of SIPU were accepted by the regular group. In other words, the standard of parole supervision was fairly clear-cut during the early months, with the SIPU unit using a more individualized and analytical approach; during the subsequent period, this same approach seems to have carried over somewhat to the regular group.

These are only "guesses" attempting to explain the shift in the statistical data seen in the pronounced drop in violation rates in the control group. They are relevant primarily when the criterion of suspension of parole is applied, as changes in agency policy would certainly be reflected in suspension procedures. The criterion of major arrest is not as directly linked to any policy of the paroling agency and would appear to be a more independent measure of success or failure. However, we see that regardless of which criterion is applied, the same shift occurred in the statistical data.

It is possible that this shift in the statistical data accurately reflects the effects of the project. That is, over a period of time, intensive supervision of small caseloads during the initial period of parole does not significantly influence parole failure or success.

In an effort to learn more fully the meaning of the statistical data, we are currently engaged in a re-examination of the fifteen-man study. The chief of the Bureau of Criminal Statistics isolated those classes of parolees where there was the most pronounced shift in results, from favorable to the experimental group in the first thirteen months to favorable to the control group in the last ten months of the study. These cases—approximately 100 recidivists who had committed crimes against property—are currently being examined to see whether anything in the psychosocial picture of the parolee may have contributed to the shift in the statistical data as the study progressed. We are aware of some external factors at work during the period of this study, such as the drop of the crime rate in California in 1955. This may explain the drop in the major arrest rate in our control group, but it cannot be reconciled with the rise in the major arrest rate for the experimental group unless other factors were at work. Therefore, we feel the clinical case study is an essential step in helping to evaluate this phase of SIPU.

SIPU—Phase II

The growing discontent with the three-month limitation prompted reconsideration and a decision to modify the program by establishing caseloads of *thirty* men supervised intensively for *six* months (in place of caseloads of *fifteen* men for *three* months, as in the first stage of the project). With

this change, each SIPU officer handled the same yearly total, but had the advantage of working with each man for a longer period of time. The level of supervision during the initial period continued as in Phase I, with the added opportunity to reduce the intensity of supervision in indicated cases during the six-month period. Flexibility in levels of supervision permitted a greater determination of and provision for individual case needs.

The exclusion of narcotic addicts from SIPU was discontinued at the same time, with indications that the exclusion of other categories from Phase I warrants further re-examination. On July 1, 1956, seven additional SIPU officers were added to the staff, making a total of twenty-one SIPU officers in the state with caseloads of thirty men each.[3]

In Phase II of the program, parolees are to be released until June 30, 1957, and the last six-month period of supervision will terminate about December 31, 1957. Preliminary statistical data gathered so far in Phase II indicate a somewhat smaller major arrest rate for the intensively supervised thirty-man caseloads than for the control group caseloads.

SIPU—Phase III

Phase III of SIPU, currently on our research drawing board, will give us an opportunity to apply our experiences from Phases I and II and to change the research design so as to take a more penetrating look into what constitutes an effective parole supervision program. Among the many complex areas of study available to us, five important subjects emerged early in the preliminary design of Phase III:

1. Smaller caseloads continue to be of major importance, but as an "enabling device" and not as a panacea.

2. The loss in relationship between parole officer and parolee inherent in the "intake process" with its time restrictions in Phases I and II indicates that, in Phase III, parolees will remain in SIPU for the duration of the project or until the conclusion of their parole.

3. The need for communication among SIPU officers and a consistent pattern of staff supervision may result in integrated SIPU units wherever geography and parolee population permit.

4. The gross measure of parole success or failure is a single and exacting test which fails to evaluate properly the effectiveness of any research concerning parole work. Refinement of measurement methods is a paramount need if the results of social research of this type are to be adequately evaluated.

5. What actually takes place between a parole officer and a parolee must be defined and described as fully as possible. We think it possible to build into Phase III sufficient flexibility of programing to insure a research structure capable of contributing to our knowledge of parole supervision.

The Heart of the Matter

Thus far SIPU has demonstrated clearly that it is feasible to release men from prison in advance of their usual time without hazard to the public safety. It not only has been a self-supporting research program, but has returned financial savings to the state by reduction in prison population and lower violation rate in the SIPU case-

[3] Beginning approximately August 1, 1956, all SIPU officers in Los Angeles were integrated into one unit. Throughout the rest of the state, each parole supervisor has a SIPU officer to supervise, along with four to six regular officers.

loads. SIPU permitted the release of men on parole without definite promises of employment; a follow-up study indicated that the major arrest violation for SIPU men released without employment was 16 per cent, as compared with 14.2 per cent of all fifteen-man caseloads and 15.7 per cent for all ninety-man caseloads. This indicates that assurance of employment prior to release is not a vital factor in parole success in small caseloads.

In addition, SIPU has shown the need to look beyond the mere reduction in caseload number and has emphasized the importance of investigating the phenomenon of treatment in parole supervision. Attempts have been made to discover what effective parole supervision is and how it works by studying the results of SIPU supervision in correlation with offense and recidivism. However, a treatment typology based on type of offense and recidivism proved inadequate because of its neglect of clinical factors. The *character* of the parolee rather than his *offense* is the primary factor in diagnosis.

The basic area of study in evaluating the treatment process is the relationship between the parole officer and parolee. Plans have been made for further research in this relationship. We hope to gain better understanding of the interaction in parole supervision and its relationship to the treatment process in parole work.

The State of Criminal Statistics

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CRIME statistics may be published by the agency which collects them or they may be reported to a central state or federal bureau which organizes, combines, and publishes the statistics from many agencies. Only rarely do agencies or bureaus do more than catalog selected statistical facts; computing rates, analyzing interrelationships between the statistical facts, and making inferences are left to the reader.

Generally speaking, the states are less efficient than the federal government in compiling crime statistics. Often one state department secures reports from a particular kind of county or municipal official, and another department receives reports from other officials. Uniform systems of reporting have not been developed, so that published materials are not comparable. In some states the only criminal statistics available are those published by individual institutions or agencies. Only ten states—California, Louisiana, Massachusetts, Michigan, Minnesota, New York, Pennsylvania, Rhode Island, South Dakota, and Texas—and the Territory of Hawaii have a central bureau which collects and publishes statistical information from reports made by a variety of municipal, county, or state agencies.[1] Some of these bureaus, such as the one in California, have very comprehensive programs, but others are greatly limited in their activities.

The principal point made in most publications evaluating the criminal statistics published by either local or central agencies is a negative one—the statistics are not reliable indexes of crime rates. After at least a quarter-century of articles of this sort, we are aware that the general statistics on crime are among the most unsatisfactory of all social statistics. This awareness has not served to correct the deficiencies, but it has introduced notes of caution in the interpretation of any set of statistics dealing with crime. We shall review some of the reasons why crime statistics must be interpreted with caution, and then shall ask two questions which seem timely: What can be done with the kind of statistics we have? Why do we have this kind of statistics?

Criticisms of Crime Statistics

The following are the principal criticisms of general statistics on crime:

1. Since it is impossible to determine accurately the amount of crime in any given jurisdiction at any particular time, statistical data on the true crime rate cannot be compiled. Many, perhaps most, crimes are not discovered, or not reported, or not recorded. Hence, any record of crimes, such as crimes known to the police, arrest records, convictions, or commitments to prison, is at best an "index" of crimes committed.

[1] Thorsten Sellin, "The Uniform Criminal Statistics Act," *Journal of Criminal Law and Criminology*, March–April, 1950, pp. 679–700.

2. Such "indexes" of crime as are available do not maintain a constant ratio with the true rate, whatever it may be. We measure the extent of crime with an elastic ruler whose units of measurement are unknown. Ordinarily a statistical index, such as a "cost of living index," is a compilation of fluctuations in a sample of items taken from the whole; the relationship to the whole is known, and the index serves as a convenient short cut to a sufficient approximation of variation in the whole. But in crime statistics the rate as indicated in any set of figures cannot be a sample, for the whole cannot be specified. Both the true rate and the relationship between the true rate and any "index" of this rate are capricious "dark figures" which vary with changes in police policies, public opinion, and many other factors.[2]

3. Variation in what should be a constant relationship between the true rate and any published rate makes it foolhardy to attempt comparison of crime rates among different jurisdictions, and it is even hazardous to compare the rates of the same jurisdiction for two different years. International comparisons are further complicated by variations in definitions of crimes. Clear "evaluation" of law-enforcement and correctional programs by looking at variations in statistical data is, then, impossible.

4. Because they are compiled primarily for administrative purposes, crime statistics cannot be used safely in scientific research. One who develops a criminological theory accounting for variations in crime rates risks his professional reputation, for the extent of statistical error in any observed variation is unknown.

[2] See M. Grünhut, "Statistics in Criminology," *Journal of the Royal Statistical Association*, Part II, 1951, pp. 139–157.

5. Even "indexes" of variations in some crime rates, such as the rate for white-collar crimes, are not routinely compiled. Many of these crimes are handled by quasi-judicial bodies in order to avoid stigmatizing businessmen as criminals, in much the way that children's cases are heard in surroundings different from those of adults, for the same reason.

6. Statistics on juvenile delinquency are subject to all of the above criticisms, and in addition suffer from the fact that delinquency is not precisely defined, so that even when a child is committed to an institution for juveniles there is no positive assurance that he has committed an act which, except for his age, would be a crime.

"Crimes Known to the Police"

As indicated in the first three points above, variations in phenomena which cannot readily be explicated in statistical reports, such as police practices, politics, laws, and public opinion, make even the rate of "crimes known to the police" an inadequate index of true rates. Yet the decision to use this rate is probably the best way to make the most of a bad situation for, as Professor Sellin has repeatedly pointed out, "The value of criminal statistics as a basis for measurement of criminality in geographic areas decreases as the procedure takes us farther away from the offense itself."[3] Nevertheless, there are five principal reasons why the number of crimes known to the police is not an adequate index of crime.

[3] Thorsten Sellin, "The Significance of Records of Crime," *The Law Quarterly Review*, October, 1951, pp. 496–504; *Research Memorandum on Crime in the Depression*, New York, Social Science Research Council Bulletin No. 27, 1937, Ch. 4; "The Basis of a Crime Index," *Journal of Criminal Law and Criminology*, September–October, 1931, pp. 335–356.

The kind of inadequacy of all crime statistics can be illustrated by brief discussion of these reasons.[4]

1. The number of crimes known to the police is much smaller than the number actually committed. In one six-month period only 8.7 per cent of the discovered cases of shoplifting in four Chicago department stores were reported to the police,[5] and in another period the number of cases of shoplifting discovered in three Philadelphia department stores was greater than the total number of thefts of all kinds in the entire city which were known to police.[6]

2. The number of crimes *recorded* as "known" by the police may be only a proportion of the crimes actually known to them. Police have an obligation to protect the reputation of their cities, and when this cannot be done efficiently under existing legal and administrative machinery it is sometimes accomplished statistically. The number of known robberies in Chicago increased from 1,263 to 14,544 between 1928 and 1931, and burglaries increased from 879 to 18,689 in the same period. This change was due almost completely to a change in the recording practices of the police which followed an investigation by the Chicago Crime Commission.[7] Similarly, in the 1952 annual report of the New York City police department, a revised system of recording crimes was cited as the principal factor in the 254 per cent rise in the city's crime rate between 1950 and 1951.[8]

3. The ratio of crimes committed to crimes reported to and recorded by the police varies with the nature of the offense.

We cannot use the total recorded criminality. We must extract from the total the data for only those offenses in which the recorded sample is large enough to permit the assumption that a reasonably constant relationship exists between the recorded and the total criminality of these types. We may make that assumption when the offense seriously injures a strongly embraced social value, is of a public nature in the sense that it is likely to come to the attention of someone besides the victim, and induces the victim or those who are close to him to cooperate with the authorities in bringing the offender to justice.[9]

Probably an insignificant proportion of "statutory rape" cases are reported and recorded, while most homicides come to the attention of the police and are recorded. A further complication in this respect is that some crimes become known to the police only upon complaint of a victim, while other offenses become known by direct observation on the part of police. Police might more readily record offenses of the latter type, such as drunkenness.

4. Behavior which is crime in one time or place might not be crime in another time or place; the difference reduces the value of the index for long-

[4] For more detailed discussion, see Edwin H. Sutherland and Donald R. Cressey, *Principles of Criminology*, Fifth Edition, New York, Lippincott, 1955, pp. 27–30.

[5] Virgil W. Peterson, cited by Donald R. Taft, *Criminology*, New York, Macmillan, 1950, p. 21.

[6] Sellin, *Research Memorandum on Crime in the Depression, op. cit.*, p. 69.

[7] Virgil W. Peterson, "An Examination of Chicago's Law Enforcement Agencies," *Criminal Justice*, January, 1950, pp. 3–6.

[8] The New York *Times*, October 18, 1952, p. 32.

[9] Sellin, "The Significance of Records of Crime," *op. cit.* For a study in which homicide, robbery, and burglary were, on similar grounds, assumed to be the most reliable categories used in *Uniform Crime Reports* and also were assumed to be an index of the degree to which people in a city were "knit together in a real moral order," see Robert C. Angell, "The Moral Integration of Cities," *American Journal of Sociology*, July, 1951, especially pp. 123–126.

range comparative purposes. Further, categorization of an offense in one of the classifications used for recording may be unsystematized and irregular, so that variation in a particular offense is created when in fact none exists.[10]

5. For purposes of comparison, the crimes known to the police must be stated as a rate—in proportion to the population or some other base, and determination of this base often is difficult. United States census figures on the general noncriminal population collected in the first year of a decade frequently must be used throughout the decade. Since the general population has been increasing, this practice has the effect of making the number of known crimes per 100,000 population appear to increase each year after the first one throughout the decade.[11] Moreover, in many cases even accurate data on the population base is not sufficient. Automobile theft, for example, might reasonably be calculated in proportion to the number of automobiles, as well as in proportion to the population.

What Can We Learn from Available Statistics?

Admittedly, because of poor crime statistics it is difficult to make rational administrative decisions about introducing or continuing specific programs of crime prevention, law enforcement, or correction. Despite this, and despite all their limitations, criminal statistics *do* give information which has had, or should have, important consequences for hypotheses and theories about criminal behavior. In some instances the similarities and differences in rates are so consistent that we can reasonably conclude that a gross relationship of some kind exists in fact. That is, it is rational to make the practical assumption that, if that part of an observed relationship which is due merely to slipshod methods of collecting statistics were eliminated, a real difference would still remain. After specifying this assumption we can go ahead and use the statistics. Even if they are gross, consistent relationships located in this way must be taken into account in any theory of crime and criminality, for the theory must "make sense" of them. Here, we shall cite four types of such consistent relationships, in an effort to indicate the problem confronting those who would understand or explain criminality.

1. *Age.* The statistics on the incidence of crime among various age groups are likely to be biased in such a fashion that they exaggerate the crime rates of young adults. Children are less likely than adults to be arrested or fingerprinted for the same overt offense, while older criminals might be more careful or have greater prestige than young adults, and for these reasons avoid having their crimes recorded in official statistics. This leaves the young adults to bear the responsibility for more than their share of the crimes committed. But the many varieties of statistics, in so many jurisdictions, collected by so many different agencies, are so uniform in reporting such high incidence of crime among young adults that it may reasonably be assumed that there is a statistically significant difference between young adults and other age groups. While the difference prob-

[10] For more detailed discussion of this "categorization problem," see Samuel A. Stouffer, "Indices of Psychological Illness," in Paul F. Lazarsfeld and Morris Rosenberg, editors, *The Language of Social Research*, Glencoe, Ill., The Free Press, 1955, pp. 63–65.

[11] See Thorsten Sellin, "The Measurement of Crime in Geographic Areas," *Proceedings of the American Philosophical Society*, April, 1953, pp. 163–165.

ably is not as great as the statistics indicate if they are taken at face value, there does seem to be a difference. Further, after "corrections" (by means of logic, since statistical correction is impossible) are made in statistics on age of criminals, other facts seem to remain. For example, maximum age of criminality varies with the type of crime, with neighborhood, and with sex—males commit crimes at younger ages than do females. Available statistics seem to tell us, then, that young persons have higher crime rates than older persons but that there are certain observable variations in this phenomenon. This means that crime rates vary with age and also that among the young they vary with specific social conditions.

2. *Sex.* Men have always committed crimes greatly in excess of those committed by women—in all nations, all communities within a nation, all age groups, all periods of history for which organized statistics are available, and all types of crimes except those peculiar to women, such as infanticide and abortion. Even if the statistics are grossly biased against males, they can reasonably be interpreted to mean that *some* excess of crime among males is present.[12] Moreover, *variations* in the sex ratios in crime seem too great to be explainable merely in terms of variations in statistical recording procedures. The ratio varies from one nation to another and even within nations—in the criminal populations of some countries, such as Japan and Algiers, males are three or four thousand times as numerous as females[13]; in the United States, the ratio is nearest to equality in the Southern states as compared with the rest of the nation, and in large cities as compared with small towns and rural areas. Few, if any, other traits have as great statistical importance as does sex in differentiating criminals from noncriminals. Yet it is obvious from the variations in the sex ratio that it is not "maleness" in itself which is significant; rather, it is "maleness" as an indication of social position and other social relationships.

3. *Race.* The official statistics for the entire United States indicate that Negroes have arrest rates approximately three times those of the white population, and that the rates of commitment to state and federal prisons are about six times as high as the rates for whites. While these comparisons must be regarded with extreme caution, it might reasonably be deduced that Negroes do have a higher crime rate than whites. Many crimes committed by Negroes against other Negroes receive no official attention from police or criminal courts, and this practice offsets to some unknown degree the bias against Negroes in other arresting and reporting practices. At least two localized studies have shown that the racial membership of the victim is of great importance in the official reactions toward Negro crimes.[14] Again, there are *variations* in the race ratios in crime—the excess of Negro crime is not always present and varies, at least, according to region of the United States, according to crime, according to sex, and according to educational status—so that the social relationships of Negroes, not the fact of being a Negro, are the important variables.

[12] *Cf.* Otto Pollak, *The Criminality of Women*, Philadelphia, University of Pennsylvania Press, 1950, pp. 44–56, 154.

[13] E. Hacker, *Kriminalstatistische und Kriminalaetiologische Berichte*, Miskolc, Hungary, Ludwig, 1941.

[14] See Guy B. Johnson, "The Negro and Crime," *Annals of the American Academy of Political and Social Science*, September, 1941, pp. 93–104; James D. Turner, *Differential Punishment in a Bi-Racial Community*, unpublished master's dissertation, Indiana University, 1948.

4. *Urban Areas.* Differential reporting of offenses committed by rural and urban dwellers might introduce bias or selective principles in the rural-urban statistics; also, variations in law-enforcement practices might affect the rural-urban ratios of arrests, convictions, and commitments to institutions. But the difference between rural and urban rates is so great and so consistent that we can reasonably assume that a significant difference would remain even if correction for biased statistics could be made. Generally speaking, in the United States the rate for serious crimes increases with the size of the community, and similar tendencies have been reported for some European countries and Canada.[15] But this relationship does not hold for all crimes in the United States, all communities, or for all nations. In short, there are variations in the general statistical relationship which seem to be related to variations in traditions of orderliness and in social organization.

Differential Association Theory

Thus, the statistics on crime have given us two types of information which any general theory of crime must explain. First, crime rates generally are higher for males than for females, for young adults than for older people, for Negroes than for whites, and for urban dwellers than for rural residents. Second, this general relationship does not hold under all conditions.

These ratios and variations in ratios seem to be crucial in understanding and explaining criminality. They provide the data which theories of crime causation must organize and "make sense of." Some of them fit into and, at the same time, have suggested one or more "pathology" theories of criminal behavior—such as poverty or other social pathology, and repressed hostility or other personal pathology. But none of these theories seems to fit *all* the ratios and variations as well as does the theory of differential association and differential social organization, developed by Edwin H. Sutherland.[16] Since we rank theories by their ability to make the best sense out of the most facts, differential association must be given a high rating, despite the defects it may have. However, it is important to note that while this theory makes good use of available statistics it must remain as tentative because we cannot be *sure* that the relationships it deals with are not mere statistical artifacts.

The "Inadequacy" Complaint

Statistics on crime and delinquency are used for three principal purposes, and complaints about their inadequacies come from each of the three groups corresponding to these purposes.

1. Perhaps the most persistent demand for better statistics comes from persons having *short-range* interests in evaluating programs which have been put into effect. A large proportion of the research requests received by the Children's Bureau, for example, are requests for help in evaluating some program or service—that is, for assistance in stating how successful, effective, or desirable the service is, as compared with some ideal, some norm, or some alternative.[17]

2. A persistent demand for better statistics is made by persons having

[15] E. Hacker, *op. cit.*; R. E. Watts, "The Influence of Population Density on Crime," *Journal of the American Statistical Association*, March, 1931, pp. 11–20.

[16] See Sutherland and Cressey, *op. cit.*, pp. 74–81, 149.

[17] See Elizabeth B. Herzog, "Research Planning. I. One Type of Evaluative Research," *The Social Service Review*, September, 1956, pp. 322–357.

longer-range perspectives in prevention, law-enforcement, or corrections programs but who, nevertheless, also are interested primarily in evaluation. As Herzog has said, "Their emphasis would be less on a final rating of success or failure, and more on a set of correlations between elements of treatment and elements of outcome; or between attributes or problems of clients and outcome."[18]

3. Finally, requests for better statistics are regularly requested by persons with even broader theoretical interests—in the etiology of delinquent and criminal behavior. As we implied in the previous section, the problem usually is conceived here as one of obtaining accurate statistics on variation in crime rates in time and by geographic areas, so that true differences can be discerned. If we do not know how much crime or delinquency an area has, and can therefore only suspect that its rates are higher or lower than the rates for some other area, theoretical generalizations about the differences must continue to be quite hazardous.

Significantly, the kind and amount of statistics gathered for one of these three purposes might be quite useless for the other purposes. Further, the persons writing on the inadequacies of statistics are only infrequently the persons who are gathering them. Those who gather statistics may very well have purposes quite different from those who examine the data, and for that reason might consider the statistics to be adequate.

Statistics Slanted to Research

Perhaps more detailed consideration of the major differences among the three principal kinds of research which utilize crime statistics, together with speculation as to reasons why inaccurate statistics might be *valuable* for each kind of research, will indicate that our "inadequate" statistics are not so inadequate after all.

1. In *administrative-evaluative* research an immediate answer to policy questions is sought. Statistics are compiled and interpreted in order to give an accounting to the administration of an agency, to the public, or to some special group. As Beattie has pointed out:

> In this country there is spent annually about two billion dollars in the direct enforcement of the criminal law. It is highly essential that some rather exact knowledge and information be available to indicate to the taxpayer, who has to contribute this amount, whether or not the processes of law enforcement are efficient and accomplish their purposes with fairness and justice to those who are apprehended and prosecuted.[19]

But "knowledge" and "information" of this kind do not stand alone; they must justify a course of action. Thus, if an agency handles a certain number of criminals or provides certain services to the community each year, it must specify these statistically, and the statistics must justify spending money on these activities rather than on something else. If this is not done the agency will go out of business. Such data as are collected by the agency must, then, show efficiency or, at least, must not show inefficiency in accomplishment of assigned goals.

Similarly, trends must be tabulated in order to anticipate future budgetary needs. Since budgets are almost never *decreased* by the requesting organizations, statistics must be available for

[18] *Ibid.*, p. 325.

[19] Ronald H. Beattie, *Manual of Criminal Statistics*, New York, American Prison Association, 1950, p. 7.

backing up arguments for maintaining or increasing the current appropriations. Consistently, most organizations concerned with crime and corrections are subdivisions of state political administrations, and, since politicians must be opposed to crime as well as to sin and man-eating sharks, it is expedient to show that the political administration in power and the subdivision administering a program both are doing the best possible job.

It is important to note that statistical tabulations furnish grounds for public esteem and professional reputation, as well as information about programs or about the condition of crime in an area. These two are not the same. Because personal and organizational needs supplement the societal needs which are involved in programs, "reporting" for the second purpose must not threaten public or professional reputations. Further, if the results of "evaluative research" do threaten the agency's or a professional's reputation, those results are interpreted as inconclusive. The leaders of one evaluative research project in an agency with which I once was associated analyzed statistics on recidivism and concluded that one rather expensive phase of the program apparently was no more successful than a less expensive phase aimed at the same thing. The agency personnel considering these data and conclusions had two principal responses: (a) The statistics and conclusions "must not get out of the room," or the budgetary appropriation for the program might be cut off. (b) The statistics do not necessarily lead to the conclusion that the expensive phase of the program is not justified; they are subject to all the general qualifications that must be put on crime statistics, plus additional ones specific to the agency.

The latter response is important. It indicates that the poor quality of the statistics is *useful* to the agency. More generally, if statistics were precise, complete, and valid, agency programs in which many of us have vested interests in terms of promotions, esteem, and job security might not be continued. Agencies have many purposes which are not spelled out in their official charters or "statements of goals"—among other things, they give professional satisfaction and meet the personal needs of many employees. We cannot, therefore, always afford to compile statistics which indicate trends that cannot readily be interpreted as due to deficiencies in the statistics, rather than to deficiencies in program, even if the evaluative research is to be conducted by an outside agency. On the contrary, vague kinds of statistics, subject to interpretation as "poor" if they do not support our program and to interpretation as "good" if they do support it, are desirable.

2. In *pre-evaluative research*, as Herzog calls the second type, the purposes of gathering and interpreting statistics are neither so immediate nor so compelling as in administrative-evaluative studies. The long-range objective is to test whether a program is doing what it is said to be doing, but the research is "purer" or "more basic." The primary goal is to increase knowledge about the effectiveness of a program, ordinarily by means of testing a behavioral theory with which the program is thought to be consistent. But validation is quite difficult if the program involved has any breadth or depth, and studies therefore ordinarily must be confined to only a small segment of the total program. Rather than evaluating a prison's program, for example, the study might be of the use of group therapy in the prison; the em-

phasis, moreover, might not be on a final judgment of success or failure of group therapy in the institution, but on certain techniques which do or do not accomplish certain desired changes in inmates, on the types of personnel administering the therapy, on the type of theory used, or on a host of other variables.[20] The *best* prison group therapy program in the United States might, thus, be shown to be a *failure*. "Best" is used here to indicate that the program is consistent with some theory or professional standard, and "failure" is used to indicate that the conditions under which it is administered make it impossible for it to be effective. It is in this sense that research of this kind is *pre*-evaluative.

Again, since a research finding that, perhaps, all is not going according to expectation might be interpreted as meaning that a program should not be given financial support, it is convenient to see that the research cannot be definitive. Ultimately, this kind of research might furnish grounds for public opinion about the agency and, like administrative-evaluative research, it might be politically dangerous. However, if it is restricted to a pre-evaluative phase, any adverse professional, administrative, or budgetary decision based on it can be countered by an exposé of the poor or incomplete research design. Thus, statistics which make it all but impossible to do even definitive "pure" research on effectiveness of programs are valuable.

3. *Etiological research* is quite different in objectives from either of the above types. Here the purpose is to make valid generalizations about differences and variations in crime rates. As our earlier analysis of the differences in crime rates among certain social groups implies, the important statistical task is to keep law-enforcement procedures and other variables constant. If this is done it can be determined whether or not the crime rate in an area or group is increasing or decreasing and whether an area or group has a disproportionate share of crime. If procedures for compiling statistics do not account for the variation, then the path is open for generalization and ultimately, perhaps, modification of the conditions which create the high crime rate. The assumption here is that low crime rates are desirable and that a society will take action to reduce them if it knows why they are high. This is not necessarily true. If, for example, it were determined that our nation's high crime rate were caused by the same social conditions which promote democracy, Americans probably would not "pay the price" of giving up democracy in order to reduce the crime rate.

But etiological research is dependent upon statistical compilations which are rarely made with this kind of research in mind. Since social science research has passed the phase in which data gathered for nonscientific purposes can be used scientifically,[21] compilers of

[20] Although the articles are not based on empirical observations, the author's published discussions of correctional group therapy are illustrations of this kind of research. See Donald R. Cressey, "Contradictory Theories in Correctional Group Therapy Programs," *Federal Probation*, June, 1954, pp. 20–26; "Changing Criminals: The Application of the Theory of Differential Association," *American Journal of Sociology*, September, 1955, pp. 116–120.

[21] In one of the earliest parole prediction studies, Burgess used the data that happened to be recorded on envelopes containing case records of Illinois prisoners to establish his experience tables. This was considered sufficient at the time, but at present one of the principal criticisms of parole predication studies is that they try to predict on the basis of factors which do not make theoretical sense. See the discussion by Burgess in A. A.

statistics cannot be helpful to researchers in etiology unless they are told what to compile. But a vicious circle is created here, for researchers cannot tell them what to compile unless they can be reasonably certain of the validity of the theory which would be tested. Theory, thus, has "to wait upon the incidental and, at times, almost accidental availability of relevant data,"[22] a condition existing in part because theoreticians do not know what data are "relevant." And, of course, even if they are asked, agencies cannot secure the kind of statistics theoreticians might want. The organizations collecting statistics are often officially committed to *changing* the law-enforcement and corrections practices which etiological researchers want held constant. If an experimental change in police practices alters a city's crime rate, the police cannot be expected to compile data indicating what the rate might be if the practices had not been changed.

Moreover, theoreticians of various schools often have vested interests in what *is* being compiled, and etiological implications are contained in routine tabulations. Organizations devoted to preventing or reducing crime and delinquency are likely to compile statistics indicating that deviation of this kind is caused by whatever it is the agency is trying to correct with its program.[23] For example, in a clinic whose official purpose is prevention of delinquency, an impressive number of children might in the course of a year be fitted with glasses or have their teeth repaired. It is quite probable that the annual report of the agency will include statistics on these activities and will state or imply that delinquency is caused by conditions stemming at least in part from defective eyesight and poor teeth. On the other hand, if the agency is officially established to administer recreational programs in a slum area, it is quite probable that "poor recreation" will be listed as a cause of delinquency and that the number of bats and balls issued in a year will be tabulated as evidence of delinquency prevention.

Thus each school of theoreticians might want *its* statistics compiled but does not necessarily enthusiastically support compilations of materials which would support a contradictory theory. So far as the *kind* of statistics collected is concerned, this leads to a championing of the status quo, for theoretic interest tends to concentrate in those areas where there is an abundance of a pertinent kind of statistical data, and compilation of an entirely different set of facts would be a threat to continuation of a particular theory. For example, the differential association theory, which I find useful for explaining differences of the kind enumerated in the preceding section, would be seriously challenged if we stopped collecting statistics on age, sex, etc. Also, significantly, it would be seriously challenged by improved statistics which indicated that there really is no difference between the crime rates of

Bruce, E. W. Burgess, and A. J. Harno, *The Workings of the Indeterminate-Sentence Law and Parole System in Illinois*, Springfield, Ill., 1928; and Daniel Glaser, "A Reconsideration of Some Parole Prediction Factors," *American Sociological Review*, June, 1954, pp. 335–341.

[22] Robert K. Merton, *Social Theory and Social Structure*, Glencoe, Ill., The Free Press, 1949, p. 107.

[23] Perhaps the great popularity of the multiple factor approach in criminology can be attributed to the fact that an enormous number of agencies with many different purposes are trying to combat crime in many different ways. The tendency, of course, is to say the opposite—that diverse agencies have been created to handle multiple factors.

the various categories. I enthusiastically support collection of data which would test the generalization by definitely showing that there are or are not significant differences among the categories. However, neither my job or professional status nor the university budget are dependent upon the theory's validity.

By the same token, even improved *reliability* of the statistics collected can seriously threaten vested interests by providing conclusive tests of theories we champion for ideological reasons. We probably tend to select as causes of crime and delinquency such "factors" as poverty, poor education, lack of parental supervision, rejection, and repressed hostility in part because such conditions can, presumably, be eliminated without changing social conditions which all of us hold dear. Also, these things can be safely deplored without hurting anyone's feelings. Cohen has pointed out that the "evil-causes-evil fallacy" (that "evil" results such as crime can be produced only by "evil" precedents and vice versa) characterizes much of our criminological work, though it is neither peculiar to it nor necessary to it.[24] A crucial test by means of reliable statistics might seriously threaten theories which incorporate the use of such ideologically important "factors," and this gives value to vague statistics. Perhaps neither the clinic nor the recreational agency mentioned above would enthusiastically support collection and publication of general crime and delinquency statistics which would permit drawing a definite conclusion that physical defects or recreational interests are or are not important to deviation. To do so would be to risk challenge of a theory on which an organization's life depends.

Hence, in etiological research as well as in evaluative and pre-evaluative research, the valuable statistics are those which will not favor the ideas of any one of the many groups conducting research or administering programs. Just as it is convenient to espouse theories of crime causation which can be safely pronounced without hurting anyone's feelings and which are stated in terms of conditions which "decent" citizens deplore, it is convenient to compile statistics which will neither slight nor seriously challenge any group of theoreticians. Ultimately, this means that the statistics compiled will please no one.

A Sociology of Crime Reporting

In criminology most articles dealing with evaluation and etiology are concluded with a statement that further research is needed. One important condition making such conclusions necessary is, of course, the inadequacy of the statistics analyzed. This article has led us to the traditional conclusion: more research is needed on the reasons for inadequacy of crime statistics. Rather than simply continuing to deplore the state of statistics in our field we need to ask sensibly, rather than in the spirit of a condemnation proceeding, why we have the statistics we have. The kind and amount of statistics compiled on crime and delinquency are, in a very real sense, an index of social concern about crime and delinquency. Why do we report and compile what we do? What pressures are there on workers in the field to report some deviations and not others? What pressures are there for and against establishment of uniform cate-

[24] Albert K. Cohen, *Juvenile Delinquency and the Social Structure*, unpublished Ph.D. dissertation, Harvard University, 1951, pp. 5–13; and *Delinquent Boys: The Culture of the Gang*, Glencoe, Ill., The Free Press, 1955.

gories for reporting and compilation? Why do we ask the personnel who are in direct contact with criminals to look at what they look at?

Research on such questions would be the beginning of a "Sociology of Crime Reporting." Students of this subject would acknowledge that a report on criminal activity, like a diagnosis of a mental disorder, is a socially recognized judgment registered in a specific kind of approved nomenclature. They would hypothesize that there are specific and identifiable social arrangements for rendering the reports in the way they are rendered. For example, they would ask: Why, in view of all the things we know about crime and criminals, do most statistical reports show only the offenses? There is an almost infinite range of items which could be reported and compiled for public and specialized consumption. We could record the height of each criminal encountered, the color of his shirt, whether there was sibling rivalry in his family, what his shoe size is, and a host of other things. But we do not observe all of these things, let alone record them. Neither do we state the number of crimes committed in proportion to such things as the number of physicians in an area, the number of churches, or the number of police. Who decides what should and what should not be observed and recorded under what conditions and for what reasons? Similarly, many things which *are* observed and recorded do not get into general reports or compilations. In probation agencies and prisons, for example, observations and even "diagnoses" of numerous kinds are made, but only some of them find their way into official statistics. What are the grounds for inclusion or omission?

One general and tentative hypothesis for use in study of this kind is suggested in our discussion above. It seems plausible that compiling vague statistics dealing with only a few of the characteristics of crime and criminals serves a useful purpose by reconciling widely divergent ideological and theoretical commitments held by the many persons who must deal with criminals. Perhaps it is the "inadequacy" of the statistics which enables men to work together even if they have entirely contradictory commitments about what causes crime and what should be done about it. Just as vague, commonsense, and "umbrella" terms are useful to interdisciplinary "crime commissions" and research teams because they reduce the area about which disagreement can be expressed (thus indicating high degrees of consensus when in fact no one knows what his colleagues are talking about), so in compilations of statistics vagueness is useful because it decreases the range of points on which disagreements can occur.

Reporting Juvenile Delinquency

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THE reporting of juvenile delinquency is "woefully inadequate."

"Juvenile delinquency statistics do not measure juvenile delinquency at all; they reflect only the adequacy or efficiency of law-enforcement agencies. Add more policemen and more delinquency shows up."

"Juvenile delinquency is influenced by newspaper publicity and public hysteria on the subject. The more the newspapers and magazines write about such things, the more delinquency goes up."

These are comments you hear or read in the press. Some of them are hard to disprove. How can we tell, for example, whether or not newspaper stories have influenced the data?

The mounting trend in delinquency as shown by the statistics began back in 1949, some time before the tremendous public and newspaper interest in it had built up to present heights. Newspaper publicity and public concern and pressure, since the rise began, may have resulted in even greater increases. But can we be sure? How can we measure their influence? Obviously here we can only guess—and one guess may be as good as another.

Similarly, the statement that increasing the strength of a law enforcement agency causes an increase in delinquency is very hard to prove—or disprove. Many factors would have to be controlled in any study that attempted to do so. The number on the police force may correlate positively with an increase in reported delinquency; indeed, one very good community study reports this. But other communities, experimenting with heavy police patrols in certain areas, report decreases in delinquency and crime as a result. So, again, we have no answer.

But one thing is clear—the criticisms do indicate that all is not well, and that we should look more closely at current juvenile delinquency statistics to get a better understanding of why they are being reported, what they show, what they mean, and what they imply.

Various kinds of statistical data relate in one way or another to juvenile delinquency. For example, there are series of data on children arrested by the police; on children referred to juvenile courts for delinquency; on children committed and resident in institutions for delinquents. These series of data are gathered by various agencies for specific purposes, generally for their own administrative use or for public information. As such, they are valuable and serve their specific purposes quite well.

But difficulties do arise when these reported statistics are misinterpreted by people who vary the definition of delinquency on which the specific statistics are based, or who use them for

purposes for which they were not intended.

Can Delinquency Be Measured?

One of the most popular uses of delinquency-related statistics is in showing whether "delinquency" has gone up or down and how good or bad present-day children are in comparison with previous generations. This use creates a good deal of misunderstanding and controversy and involves two basic questions: Do juvenile delinquency statistics actually measure juvenile delinquency? Can delinquency really be measured? We would all agree that juvenile delinquency, to be measured, must mean the same to those who collect the data and those who interpret it.

At present, juvenile delinquency is variously defined. One group holds that a delinquent is a child who has violated the law and has been adjudged delinquent by a court. According to this definition juvenile court statistics would measure delinquency *if* they were adequately collected.

Others say that referral to a juvenile court is often influenced by chance factors—that the circumstances under which delinquency is adjudicated vary with the laws, the administrative procedures, the philosophy of the police and the courts, and even with differences in community attitudes toward the police and the courts. In fact, many children committing delinquent acts are handled by police without referral to court. Many children referred to courts are handled unofficially, without a formal court hearing or adjudication of delinquency. For these reasons, some hold that police statistics provide a better measure of juvenile delinquency than court statistics. Police reporting, they point out, cuts down the number of arbitrary procedural steps influencing the data.

Two obvious conditions must be met before police or court statistics can be collected: (1) the child must commit an act regarded as delinquent, and (2) he must come to the attention of a law-enforcement agency. And the second of these conditions provokes objection by another group to police and juvenile court data as a measure of delinquency. This group holds that a delinquent is any child committing a delinquent act, whether or not he comes to the attention of legal authorities. Delinquency is defined by them as any juvenile misconduct which *could* be dealt with under the law.

To measure delinquency by this definition, we would need to know not only the number of delinquent children handled by social agencies, child guidance clinics, schools, law-enforcement agencies, and others, but also the number who do not come to the attention of any agency—those who are not apprehended. Delinquency defined in this way is practically impossible to measure, though it is the simplest and most complete definition. Those statistics that *can* be gathered—on children dealt with by law-enforcement agencies and courts—do, however, represent a portion of all children whose misconduct could, if detected, be dealt with by the law, and trends in their number and characteristics probably reflect changes occurring in the entire group.

National Reporting

The two series of national data most frequently cited are the juvenile court statistics collected by the Children's Bureau and the police arrest data collected by the Federal Bureau of Investigation.

Certain other national data collected by other federal agencies are related to juvenile delinquency—notably those on federal juvenile offenders reported by the Federal Bureau of Prisons; those on children in institutions for delinquent children, now being collected annually by the Children's Bureau and collected by the Bureau of the Census in its 1950 decennial census. These last two series, however, are less frequently used in statistics of juvenile delinquency than are juvenile court and police arrest data, since they deal with so small a portion of the total group of delinquent children.

1. JUVENILE COURT STATISTICS

In 1926 the Children's Bureau first worked out a plan for the uniform reporting by juvenile courts of a few essential statistics. Back of this reporting plan lay the recognition of the need for uniform statistical data on juvenile courts' volume of work in dealing with delinquents. From the beginning, the reporting has been voluntary.

Reporting procedures and content have been modified several times, primarily to make collection and tabulation easier and to increase the usefulness of the data. Originally, the Bureau tabulated individual data cards sent in directly by the courts. Now reports come to the Children's Bureau in the form of a summary from the state agency that collects and tabulates the data of its courts. To encourage an increasing number of courts to report, the amount of detailed information requested has been greatly reduced. Formerly, such items as age of child, reason for referral to court, place of detention care, and type of disposition were included. Now the reports are limited to a simple count of cases of children referred to juvenile courts for delinquency, dependency, or neglect, and of cases involving special proceedings, whether handled officially or unofficially (without the filing of a petition).

Although juvenile court statistics are not perfect measures of delinquency, they do have some assets as close estimates. First, they include that group of children whose delinquencies were considered important enough to refer to a court. They approximate more closely than do other series of data the definition of those who consider a child delinquent only when the courts have so adjudicated.

Second, these statistics do not include children whose misbehavior is handled by the police without referral to court. Nationally, three out of every four cases are handled this way. Most such police cases are for minor offenses. Therefore, their omission from the court count somewhat meets the objection that juvenile court statistics are inadequate as delinquency data because they include many minor infractions which are not delinquencies at all.

Third, national juvenile court statistics have been collected and published in the Children's Bureau Statistical Series for quite some time. This means that uniform reporting definitions and concepts have been developed with the cooperation of the courts; as a result, there is some stability in these statistics.

The Children's Bureau is constantly trying to improve its juvenile court statistics. These statistics, because they are limited to a simple count of delinquency cases handled by the courts, tell us nothing about the reasons for which children are referred to courts. Therefore, they tell nothing about what types of offenses are in-

creasing or decreasing, nor do they indicate what disposition is made of the cases referred to court.

Reporting by the courts is voluntary and not all courts in the country participate. Some regions of the country are overrepresented; others underrepresented. Thus, the statistics are incomplete both in items reported and geographical representation.

To fill in some of these gaps, the Children's Bureau recently initiated a plan for collecting data from a national sample of 502 juvenile courts. This will supplement the present system of collecting data. The new national sample, designed with technical assistance from the Bureau of the Census, has been selected as representative of the country as a whole.

In devising the sample, the United States was first divided into about 2,000 primary sampling units, each consisting of a county or a number of contiguous counties, such as those in a standard metropolitan area. The 2,000 primary sampling units were then grouped into 230 strata, each consisting of a set of units as much alike as possible in such characteristics as regional location, population density, rate of growth, percent of nonwhite population, principal industry, type of agriculture, etc. From each stratum, a single primary sample unit was selected at random. This resulted in 230 sampling units in which there were 502 courts.

Reports for 1955, the first year of the plan, have been received from about 83 per cent of the sample courts. The Bureau anticipates that all 502 courts will volunteer to participate. For 1956, the Children's Bureau hopes to be able to issue reports based on this national sample.

The data from the national sample will provide a basis for national estimates that have a degree of reliability that is known, and higher than has ever been possible before. Once the sample plan is fully working, the Bureau will collect, efficiently, reliable national information not only on the number of juvenile court cases but also on certain characteristics of children referred to court and on court activities such as reason for referral, type of service rendered, and disposition.

2. Police Arrest Data

The only source of federally collected statistics on police arrest of children is the uniform crime-reporting plan of the Federal Bureau of Investigation. Until 1952, data regarding arrests of juveniles were obtained from fingerprint records—the only records which showed the age of persons arrested. The Federal Bureau of Investigation had long recognized that data for juveniles based on fingerprint records were inadequate, since many jurisdictions do not fingerprint children who are arrested. For this reason, in 1952, the Federal Bureau of Investigation undertook to remedy this inadequacy by obtaining data on the age, sex, and race of persons arrested, whether or not they were fingerprinted.

The coverage of this reporting has increased steadily each year. By 1955, 1,477 cities, representing 46.8 per cent of the urban population, were reporting. But, as in juvenile court statistics, certain regions of the country and types of cities are overrepresented; some are underrepresented.

The Federal Bureau of Investigation also points out that its data does not include instances of nonpolice detention of juveniles under circumstances amounting to technical arrest. Thus these arrest figures, though far more

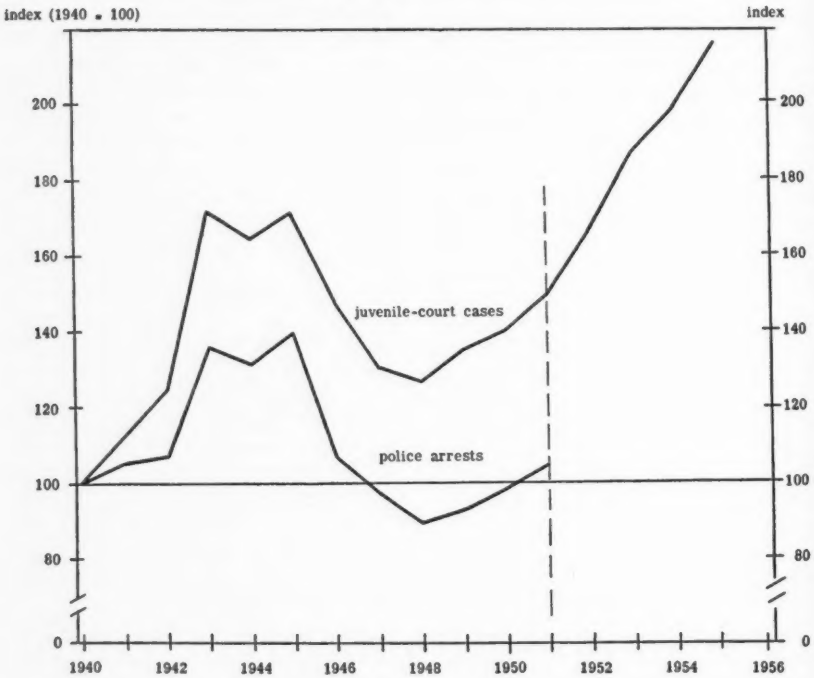
complete than data obtained from fingerprint arrest records, are probably still conservative in the lower-age groups. These data appear in *Uniform Crime Reports*, annual bulletins published by the Federal Bureau of Investigation.

3. Arrest and Court Statistics Compared

Despite the fact that neither the police arrest data nor the juvenile court statistics is complete in extent of coverage, geographic representation, and other factors; despite the fact that neither is a completely accurate measurement of juvenile delinquency; and despite their divergent units of count, these two statistical series show a remarkable similarity in their trends, as indicated in the graph below.

Police arrest data are shown in the graph only through 1951, since the data for 1952 and subsequent years are not comparable to data for prior years due to the revision of fingerprint record

COMPARISON OF DELINQUENCY CASES DISPOSED OF BY JUVENILE COURTS, WITH POLICE ARRESTS OF CHILDREN UNDER 18 YEARS OF AGE, 1940-51



Sources:
Police-arrest data from section on fingerprint arrest records in Uniform Crime Reports (annual bulletins) issued by the Federal Bureau of Investigation.
Juvenile-court data from Statistical Series No. 37 issued by the Children's Bureau.

procedure described above. (Even after this revision, the trends revealed by the two series of data appear fairly similar. The revised police arrest data show, for example, an 11 per cent increase between 1954 and 1955; the juvenile court data, an increase of 9 per cent.)

The striking similarity between these two trends suggests that they are each influenced by some common determining factor, perhaps "delinquency," however defined. The similarity cannot be accounted for on the grounds that police arrest data include a large proportion of the cases referred to court, for police fingerprint arrest records embrace only a small proportion of those cases referred to juvenile court. From this similarity in trends we can have some confidence that national data on juvenile delinquency do show the general direction of the volume of delinquency, even though the extent of the change is not precise.

State and Local Reporting

The practical use of national data is limited. Much more important, perhaps, is the reporting of juvenile delinquency by states and communities, where the data have their greatest value. For it is here that the best opportunity occurs for translating facts into programs of action for children.

Community agencies operating day-to-day programs for delinquent children and youth can use statistics to stimulate public interest in their programs, to describe the work they are doing, and, in this way, to account for their stewardship to the public. These data can be of vital importance in justifying additional funds for programs and in assisting administrators to operate their programs in the most effective way possible.

It is in states and local communities that the data can be most effectively analyzed, interpreted, and related to such factors as changes in laws, administrative practices, budget, staff, and availability of other services. This is particularly important because such changes have much more direct effect on local statistics than on national.

Workshop on Probation Statistics

In recognition of the importance of stimulating and improving state and local reporting of juvenile delinquency, the Children's Bureau recently called together a small group of state and local probation practitioners to explore: (1) the questions administrators need to answer in assigning staff and work, in evaluating work performance, in planning and budgeting, and in aiding community interpretation, (2) the statistical data most useful in answering these questions, and (3) some of the problems of obtaining the data, together with some possible solutions. The Children's Bureau was convinced that data administratively useful to local courts, if developed in a uniformly acceptable way, would provide a reservoir of information useful for local, state, and federal planning and research.

Most of the participants in the workshop agreed that the questions administrators of local courts need to answer covered all phases of court services—intake, social study, detention, and supervision. The following questions were formulated:

1. What is the nature of the problem with which our agency deals? For example, who are its clients? Where did they come from? Why are they here? How did they get here?

2. How are we dealing with the problem? Under this general question were listed such related questions as: How is the court organized and staffed? What is the staff doing? What services are missing? How do we spend our money?

3. What is done for children? That is, where are children held pending court disposition? What actions are taken with respect to their treatment?

4. How well are we doing? This included questions such as: How successful is the child's probation? What long-run effect does the court's treatment have on the children?

Though most of the questions were broad, the group did consider the specific types of data that would be helpful in answering them. These were of two kinds: data that should be collected on a regular basis, and data that can be collected through one-time, special studies.

To the first group belonged the customary items of age, race, sex, place of residence, and other personal and family characteristics of the children served, source of referral to court, reasons for referral, place of detention care pending court hearing, disposition, etc. In the second group were studies of the success of children on probation, follow-up of children who have been discharged from court, time studies which would have bearing on staff assignment and the evaluation of work performance, cost studies, etc.

Throughout the workshop, the members of the group emphasized the desirability of developing uniform definitions and reporting procedures. They agreed that some local courts and state agencies had excellent reports and record-keeping systems. At the same time, for the sake of uniformity, they urged that the Children's Bureau develop a manual outlining the types of data to be maintained by courts and setting forth definitions and procedures to be used in obtaining them. This manual would be aimed primarily at data to be collected on a regular basis. Regarding special one-time studies, the group suggested that the Bureau undertake several demonstration studies in selected courts and then so describe the study method that it could be duplicated by other courts.

The Bureau views the workshop as an important first step toward strengthening and improving reporting on juvenile delinquency at the local level—where it is most needed and most useful.

Juvenile court and police arrest data give a count of the number of children coming to the attention of these law-enforcement agencies. They are the best statistics relating to juvenile delinquency now available and, as such, give some insight into delinquency trends.

Current efforts to improve these data are salutary and will unquestionably increase their value. Although these two series will never measure juvenile delinquency to the complete satisfaction of everyone, they can, if extended and improved, define more accurately the size of the problem with which communities and agencies must deal. They can provide much more information than we now have about the children—why they were referred to court and how their cases were handled; the number, qualifications, and salaries of staff; the availability of detention and diagnostic facilities; a basis for studying the effectiveness of treatment.

Even with such imperfect measures as we have, we know enough to take

some action now. We know there are thousands of delinquent children coming to the attention of the police and the juvenile courts for whom we can plan treatment. We can provide proper facilities for the care of the 100,000 or so delinquent children held in jails each year pending official action. We can begin to set up probation services for juveniles in the more than half of the counties in the country where they are not now available. We can take steps to improve the training of probation officers (more than four out of ten lack college training) who now deal with delinquent children.

Along with attempts to improve the statistics should go a concerted effort to help the public interpret and use these statistics as constructively as possible. Then perhaps our ultimate aim—the benefits that could accrue to children—will be realized.

When a business is small, it is possible for the owner to hold all the details in his head and personally to supervise all the works. After the business has expanded to a certain point, this kind of control is no longer possible and resort must be had to accounting. Now, anyone familiar with the methods of big business today knows that not a thing is done without a record being kept of it. The science of business statistics has come to the aid of the owner, and enabled him to maintain contact with far-flung forces operating sometimes literally thousands of miles away.

How is it with this great organization which we call criminal justice made up of police, courts, prisons, parole and probation officers, and doing a business that runs into millions and millions of dollars in each state of the Union? What do we, the owners, know about the operation of these various units? Almost nothing. The United States has the worst criminal statistics of any civilized country in the world and has the most crime. Is there any connection between these two facts? . . . The connection is clear. Without detailed facts and figures showing exactly what is going on, we, the owners, cannot exercise any effective control over the individual units engaged in the work of suppressing crime.

—LOUIS N. ROBINSON

Judicial Criminal Statistics

EDWARD B. MCCONNELL

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THOSE concerned with judicial administration have long stressed the need for reliable statistical information on the work of the courts, although generally their interest has been more in the civil than in the criminal courts. In 1938 the Committee on Judicial Administration of the Section of Judicial Administration of the American Bar Association reported:

> The need for reasonable and adequate judicial statistics is no longer open to doubt. Discussion centers on method and form. Any court functioning without reporting reasonable statistics showing its work lays itself open to serious criticism. Such judicial statistics as are required at stated times must be confined only to the data sufficient to reveal the daily work of the court for the period. The tendency heretofore has been to require too much. Judicial statistics, when confined to the actual work of the court for the period reported, enable the court to check the efficiency of its own work and keep informed the judge charged with administrative duties.[1]

In the light of the recommendations of this report, it is at once apparent that current judicial criminal statistics will not give a complete picture of the enforcement of the criminal law and of the administration of criminal justice. The executive branch of government is equally concerned with the criminal law, and so must share this responsibility with the judiciary.

[1] 63 *A.B.A. Reports*, 530, 533.

What Are Judicial Criminal Statistics?

Relevant information with respect to crime falls into three categories. The first we might call "police" data. Included in this category would be information on the number and kinds of crimes reported, investigations conducted, and other events occurring before the initiation of judicial proceedings. This type of information is of primary interest to the various law-enforcement agencies in the executive branch of government; i.e., the police, the prosecuting attorneys, and the attorney general. That is not to say, of course, that such information is not also of considerable value to the legislature and the judiciary. It is reasonable to expect some agency within the executive branch to collect and publish information of this type.

The second category of criminal statistics is of primary interest to the judicial branch of government. In this category would fall information on court proceedings, from the filing of a criminal complaint until its disposition, including data on the number of complaints filed in each court in the state, the nature of the offenses charged, the manner in which the complaints were disposed of and, in the event of a conviction, the nature of the sentences imposed, and finally, the number of complaints still awaiting court action, their present status, and the length of time they have been pend-

ing. It is with this type of information that we are primarily concerned here. Some agency within the judicial establishment logically should be responsible for collecting and publishing data of this sort, which is of utility not only for the administration of the courts and for the guidance of judges in sentencing, but also to the other branches of government which have a substantial interest in the criminal work of the courts.

The third category of criminal statistics includes data on events after the imposition of sentence—on the operation of various penal and correctional institutions, probation, and parole. The department of government charged with these particular functions is in the best position to collect and publish meaningful information on them.

Who Should Collect What Statistics?

This classification of criminal statistics is of value only for discussion purposes and cannot serve to indicate with definiteness the type or extent of information to be collected by any particular agency of government in any particular jurisdiction. For example, in many states the executive branch must collect, in the interests of its law-enforcement functions, not only normal police data but also detailed information on cases which it is prosecuting or has prosecuted in the courts. Such is the situation, for example, in New Jersey, where the attorney general receives monthly reports from each of the county prosecutors on the incidence of crime in their counties and their success in the apprehension and prosecution of offenders. Information needed by the attorney general in supervising the work of the prosecutors and the effectiveness of law enforcement may be quite different from the information needed by the chief justice for the proper administration of the courts. Similarly, where the judicial branch is responsible for the probation system, as in the federal government, the courts must keep informed on the operation of probation; where the courts have no responsibility for it, they will not need the exact data though they will be indirectly concerned. Thus, to specify what information on crime should be collected by government agencies in a specific jurisdiction, it is necessary to consider that jurisdiction's governmental structure.

Recognizing, then, that variations will inevitably exist from jurisdiction to jurisdiction which will affect the question of what agency should collect what information, let us consider two questions about the collection of judicial criminal statistics which immediately present themselves: First, what agency within the judicial establishment should collect this information? Second, which data should it collect?

The best answer to the first of these questions is that it should be some state agency, preferably either an administrative office of the courts, as in the federal judiciary and fifteen states, or a judicial council or conference, as in a number of other states.[2]

The answer to the second question is more complex.

1. *Data on All Courts.*—Ideally, the fact-finding agency (whether adminis-

[2] The Executive Committee of the U. S. Attorney General's Conference on Court Congestion and Delay in Litigation in its report of January 7, 1957 specifically recommended the maintenance in all jurisdictions of uniform and up-to-date judicial statistics, preferably by an administrative office or staff designated for that purpose.

strative office or judicial council) should collect information on the work of all courts in the state, from the lowliest justice of the peace courts to the appellate court of last resort. Certainly the courts of limited criminal jurisdiction, with their tremendous volume of cases and their influence as the only direct contact that many citizens have with the courts, are at least as important as the courts of general jurisdiction, which handle the more serious offenses. It is, therefore, rather regrettable that at the present time almost nothing is known in most states about the work of courts of limited criminal jurisdiction.

Not only should statistical data be collected on the criminal work of all courts; it would not seem open to argument that the more complete information on the work of each court, the better. The more extensive the statistics, the greater the benefit not only to the courts themselves, but to other interested agencies and persons. As a practical matter, however, the extent to which statistical information can be collected in any jurisdiction will depend more on the statistics-gathering agency's capacity than on its desires.

2. *Status of Calendars.*—And, since most statistical agencies now working or likely to be created are extremely limited in staff, the important question becomes, not what information is desirable, but what information is most essential. From the standpoint of court administration, the most essential information is the status of the calendar: How many cases have been disposed of; how many cases are pending; and how long have they been pending? These are operational statistics, without which those responsible for administering a court system have no reliable way of knowing whether the courts are keeping abreast of their work. Unless the administrative judge, such as the chief justice in New Jersey, knows the status of the criminal as well as the civil calendars in each court and in each county, he cannot intelligently assign judges where they are most needed or decide what other administrative action will keep the court calendars up to date. Basic data on the status of the calendars are essential to the orderly flow of litigation through the courts.

3. *Data for Evaluating and Planning.*—If the statistical gathering agency has the staff to collect, in addition to such operational statistics, information on types of offenses, dispositions, and sentences, well and good, for such information is valuable in evaluating the work of the courts and planning improvements in the criminal law and its enforcement. It is not, however, absolutely essential for the day-to-day operation of the courts. If information can also be collected as to the personal characteristics of particular defendants, that too will be of interest, particularly to the social scientists; but it is of little practical value from the standpoint of the actual administration of the courts.

The Source of Data

Although the prosecutor's office in many jurisdictions is a good source of data on the business of the criminal courts, the best and most reliable source is the court clerk. The court dockets and case files which these clerks maintain should contain all the necessary information; if they do not, the court records should be revised to provide all essential information on the work of the courts.

The method of collecting the desired data is of considerable importance. One of two alternatives is generally employed, the better and more reliable being the individual case card, such as that currently used by the Administrative Office of the United States Courts. This method permits the collection of a great deal of detailed information on each case and is readily adaptable to tabulation by modern business machines. Reporting by individual case cards is accurate because it simplifies the work of the reporting agency; a check of the docket numbers can readily determine whether or not every case has been reported.

The other method generally employed is the tally sheet or summary report form, on which the court clerk reports only totals. Where the variety of information, the number of cases, and the number of reporting agencies are all relatively small, this method has proved quite satisfactory. It has the advantage of being considerably less expensive than the individual case card method. Most states embarking upon collection of judicial statistics have had to use the tally sheet or summary report form. Since the court clerks must accumulate and classify the information for the summary, a considerable number of arithmetical errors can be made if the clerks are not very careful; many of these errors may not be apparent by cursory examination of the reports. For this reason, periodic spot checks or audits should be made, to make certain that the reports are accurate. The individual case card does not require as careful checking, since all tabulations and summaries are made by the central agency rather than by those reporting to it.

What Should Be the Unit of Count?

One of the most troublesome details in the collection of statistical data, and especially in the collection of judicial criminal statistics, is the selection and definition of the unit of counting or reporting. Frequently in the collection of judicial statistics too little attention has been given to this problem, with the result that those submitting reports do not know what information is wanted and those receiving the reports do not know what information they have. This often means that the statistics published have the appearance of reliability, but are in fact quite unreliable and present a distorted picture.

1. *The Defendant.*—In the collection and reporting of judicial criminal statistics one of three units is generally used, the most common probably being the defendant. The use of this unit was recommended in a report submitted in 1932 to the Judicial Section of the American Bar Association by a distinguished group of authorities[3] and was used by the Bureau of the Census in its reports, *Judicial Criminal Statistics*, published from 1932 to 1945. The principal advantage of this unit from a statistical standpoint is that it permits the use of a single standard for reporting from initial arrest to post-conviction treatment—in other words, it is adaptable for use in all three types of criminal statistics: police, judicial, and penal or correctional.

Its use, however, does create certain difficulties in the reporting of judicial criminal statistics. For example, where several charges or indictments are laid to a single defendant, as is frequently the situation, he is reported as charged only with one—the most serious—of-

[3] 57 *A.B.A. Reports*, 638.

fense. A defendant will often plead to one charge, be tried upon another, and be dismissed on yet another, or there will be some other combination of dispositions. This creates problems for the court clerks who must report the data, particularly if the tally sheet or summary report is being used. When the statistics are reported, it may well be that more dispositions than defendants are shown, making the data confusing even if not erroneous.

2. *The Offense.*—Another unit sometimes used is the charge or offense. This unit is especially suited for police statistics, for which accurate data on type of crime is desirable. The Federal Bureau of Investigation, for example, has adopted this unit for its nation-wide statistical studies of crime and law enforcement. For court administrative purposes, however, this unit results in complexities that picture inaccurately the work of the courts. For example, it is the practice for many prosecuting attorneys to draft indictments or accusations in which a number of charges are all based on the same set of facts, so that if the proof is insufficient to convict on one charge it may still be sufficient to obtain a conviction on another. To indicate the extent of the possible statistical distortion: suppose three defendants are indicted jointly, each charged with three different offenses. If the offense is the reporting unit, the statistics will show nine cases, whereas there is only one trial. Since information on type of offense is of relatively little utility in the administration of the courts, this reporting unit is perhaps the least desirable for judicial criminal statistics.

3. *The Indictment.*—A third unit is the indictment or accusation. Court clerks generally find this unit least confusing, particularly if they are called upon to report only operational statistics pertaining to the court calendars. The court dockets will plainly show how many indictments are pending, how many were completely disposed of during the reporting period, and how old are the pending cases. However, there are also certain disadvantages in using this unit. For example, if more than one indictment is filed against one individual, or if one indictment includes several counts charging one individual with several offenses, the case may for all practical purposes be terminated by the disposition of one of the indictments or counts, whereas the statistical reports will continue to show one or more indictments still pending. Nevertheless in New Jersey this unit has been adopted for the reporting of judicial criminal statistics for very practical administrative reasons: It is convenient for the court clerks; it never results in a statistical picture better than conditions actually are; and it provides for the reporting of every indictment and accusation as pending until it has been finally and completely disposed of by the court. The statistical reports serve as a constant reminder to those responsible for the criminal court calendars that although a defendant may have been tried on one charge, he cannot be forgotten until any other charges are also disposed of, by trial or otherwise. It serves to guard against the accumulation of old, half-finished cases.

State-to-State Comparability

It is difficult to say that any one of these units of reporting is better than the other and therefore should be adopted generally for, as I have indicated, each has its merits. Which one is best in any particular jurisdiction depends upon the purposes they must serve. This much is certain, however: in order to collect meaningful judicial

criminal statistics for any purpose, one unit or another must be selected and clearly defined for the benefit of the court clerks submitting the reports. Of course, if each state selects that reporting unit which best suits its purposes, the statistical reports of one state will not necessarily be comparable to those published by other states, nor can the reports of the several states be compiled to give national totals. But the advantages gained from tailoring the statistical methods used in each state to the peculiarities of its judicial system so as to be of maximum utility in the administration of the courts outweigh the advantages of comparability. If comparable statistics for each state are to be collected on a national basis, then problems of dual reporting will inevitably arise.

The frequency with which reports should be made by the court clerks to the administrative office of the courts or other central agency will also have to depend upon the situation in each particular state. Where the chief justice or other administrative judge has the authority to assign judges from court to court as the need appears, reports, if they are to be of maximum value, must be made frequently. In all but the largest counties, the calendar can change quite substantially in a very few weeks, so that monthly information as to the work of each court is most helpful. Once each year all available statistical information should be collated, analyzed, and published for the general information of all those interested in the various aspects of the work of the courts. Of course, where the case card method of collecting data is used, the reporting is a continuous process and the only question is how often to collate and publish that which is available.

To what extent are judicial criminal statistics now being collected throughout the country? To get this information, which is not readily available, we wrote to the court administrative officer in each state and, where there was none, to the chief justice; to the states' judicial councils; and to each attorney general. We asked for the name of the central collecting agency in the state, if any; for copies of the forms used in collecting judicial criminal statistics, and of any published reports; and for any recommendations as to what should be done in this field. Some replied that this information might be available from other sources, such as departments of correction, prosecuting attorneys, and bureaus of criminal identification, and accordingly inquiry was also made of these sources.

The information we received has been summarized in the table below. Although the table indicates that some states collect and publish identical items, the data are not necessarily similar; for example, it may appear from the table that two states keep records on the age of pending criminal cases, yet one state may make a complete breakdown by month, whereas the other may merely note those that are under, and those that are over, a year old. Under "Manner of Termination," one state may list whether termination is by plea, trial with or without jury, acquittal, conviction on main charge or on a lesser charge; another state may note only whether it is by plea or trial. Similarly, under "Disposition of Defendant," one state may name the penal institution, categorize the length of sentence, the number placed on probation, etc., while another may distinguish only between the number jailed and the number placed on probation.

COLLECTION OF CRIMINAL STATISTICS IN THE UNITED STATES

Jurisdiction	Agency[a]				Unit of Reporting	Frequency of Collection[b]	Frequency of Publication[b]	Data Compiled							Remarks
	Attorney general	Judicial council	Admin. officer	Other				Number filed	Number terminated	Type of offense	Manner of termination[c]	Disposition of defendant[d]	Number pending	Ages of cases pending[e]	
Alabama				x	case	semiannual			x				x		Judicial Council has published no reports since 1948. Reports made to the Supreme Court are indefinite and of little value for administrative purposes.
Alaska															See United States.
Arizona															No central agency for state.
Arkansas	x				case	biennial	biennial		x	x	x				Judicial Council has not published reports. Attorney General reports on felony cases only.
California		x		x	defendant	week month annual	annual biennial	x	x	x	x	x	x		Bureau of Criminal Statistics and Judicial Council each collects and publishes elaborate data. Ages of pending cases determinable from case cards but not set out in published reports.
Colorado			x		case	annual	annual	x	x		x		x	x	Supreme Court officer collects data, but information is limited and does not include all jurisdictions.
Connecticut		x	x		defendant	annual	annual		x	x	x	x			Executive Secretary of Supreme Court reports annually, but Judicial Council data are more complete.
Delaware															No central agency for state.
District of Columbia			x		case	month	month annual	x	x		x		x	x	Data supplemented by U. S. Administrative Office.
Florida		x			case	annual	annual	x	x				x		Attorney General also receives

Delaware														No central agency for state.
District of Columbia			x		case	month	month annual	x	x		x		x	x	Data supplemented by U. S. Administrative Office.
Florida		x			case	annual	annual	x	x				x		Attorney General also receives reports, which are incomplete, from prosecuting attorneys.
Georgia															Judicial Council has not published reports.
Guam				x	case	annual	annual	x	x	x		x	x		Department of Public Safety and Attorney General collect. Additional data published by U. S. Administrative Office.
Hawaii				x	defendant offence	month	annual		x	x		x	x		Bureau of Crime Statistics collects.
Idaho			x		case	annual	annual	x	x		x				Coordinator of Courts makes annual report. Judicial Council inactive.
Illinois															Constitution calls for courts to report to General Assembly but no publications available. Efforts to create administrative office for the courts being made.
Indiana															Judicial Council has not published report since 1950.
Iowa			x		case	quarterly		x	x		x		x	x	Judicial Council inactive.
Kansas		x			case	annual	annual	x	x	x	x	x			
Kentucky		x			case	quarterly	annual	x	x		x		x	x	Pending cases given as of beginning of quarter; ages only as to number over six months old.
Louisiana	x				offense	annual	annual		x	x	x	x	x		
Maine	x				defendant	annual	biennial		x	x	x	x			Judicial Council reactivated 1954. Report to be published soon.

COLLECTION OF CRIMINAL STATISTICS IN THE UNITED STATES—*Continued*

Jurisdiction	Agency[a]				Unit of Reporting	Frequency of Collection[b]	Frequency of Publication[b]	Data Compiled							Remarks
	Attorney general	Judicial council	Admin. officer	Other				Number filed	Number terminated	Type of offense	Manner of termination[c]	Disposition of defendant[d]	Number pending	Ages of cases pending[e]	
Maryland			x		case	month	quarterly annual	x	x	x	x		x		Judicial Council does not publish report. Baltimore Criminal Justice Commission reports police data for that city annually.
Massachusetts		x			case	annual	annual	x	x				x		
Michigan			x	x	case	quarterly	annual	x	x	x	x	x	x	x	Data published by Court Administrator supplemented by Department of Corrections as to manner of termination and disposition of defendants.
Minnesota	x				case	annual		x	x	x	x		x		Judicial Council has not published reports since 1948.
Mississippi															No central agency for state.
Missouri		x			case	annual	biennial	x	x		x		x		
Montana				x											Bureau of Criminal Identification publishes data on crime which are of little use to the court.
Nebraska															Judicial Council has not published reports.
Nevada	x					annual									Attorney General receives annual reports from District Attorneys.
New Hampshire		x			case	annual	biennial	x	x		x		x		
New Jersey	x		x		indictment	month	month quater	x	x	x	x	x	x	x	Administrative Office collects data for court administrative

New Hampshire		x			case	annual	biennial	x	x		x		x		nual reports from District Attorneys.
New Jersey	x		x		indictment	month	month quater annual	x	x	x	x	x	x	x	Administrative Office collects data for court administrative purposes. Attorney General collects additional data for use of law-enforcement agencies.
New Mexico															State Police collect data on arrests and convictions. Judicial Council has not published reports.
New York		x	x		case	month	annual	x	x		x		x		Judicial Conference charged with collecting and publishing data. State Administrator serves as secretary to Conference, deputy administrators as secretaries to each department; these administrators collect data for Conference reports.
North Carolina			x		case	quarter	annual	x	x		x		x		
North Dakota		x			case	semiannual			x	x	x	x	x		Judicial Council collects semiannually but does not publish.
Ohio			x	x	case	month	month annual	x	x	x	x	x	x	x	Department of Corrections supplements Administrative Assistant's reports with types of offense, disposition of defendants, and ages of cases disposed of and pending. Judicial Council reports biennially without statistics.
Oklahoma															Judicial Council publishes annual report without statistics.

COLLECTION OF CRIMINAL STATISTICS IN THE UNITED STATES—*Continued*

Jurisdiction	Agency[a]				Unit of Reporting	Frequency of Collection[b]	Frequency of Publication[b]	Data Compiled							Remarks
	Attorney general	Judicial council	Admin. officer	Other				Number filed	Number terminated	Type of offense	Manner of termination[c]	Disposition of defendant[d]	Number pending	Ages of cases pending[e]	
Oregon			x		defendant	quarter	quarter annual	x	x			x			Judicial Council recommends that data respecting disposition of defendants—i.e. jail, probation, etc.—be collected by the Attorney General or some agency other than the court administrator. Ages of cases tried reported.
Pennsylvania				x	defendant	annual			x	x	x	x			Department of Welfare collects on statewide basis. Philadelphia County has administrator of criminal court list who collects monthly data on indictments disposed of and pending cases by age. Philadelphia Municipal Court publishes detailed annual report.
Puerto Rico			x		case	case card	annual	x	x	x	x	x	x	x	Machine tabulation makes "cases pending by age" data readily available.
Rhode Island			x		case			x							Judicial Council reports without statistics. Attorney General charged with responsibility of criminal calendar.
South Carolina	x				defendant	annual			x	x	x				
South Dakota	x				defendant	month	annual		x	x	x				Court clerks furnish data to Division of Criminal Statistics.
Tennessee															Judicial Council has not published reports.

				ant										
South Dakota	x			defend-ant	month	annual		x	x	x				Court clerks furnish data to Division of Criminal Statistics.
Tennessee														Judicial Council has not published reports.
Texas			x	case	annual	annual	x	x		x		x		
Utah	x			defend-ant	annual	biennial		x	x		x			
Vermont			x	case	annual	biennial		x				x		Judicial Council reports do not always have statistics.
Virginia		x	x	case	month	annual biennial	x	x		x		x		Judicial Council reports biennially with statistics. Executive Secretary of Supreme Court of Appeals publishes annual report.
Washington		x		case	month quarter annual	biennial	x	x		x				Judicial Council report does not always have statistics. Bill pending to establish administrative office.
West Virginia														Judicial Council has not published report since 1948.
Wisconsin		x		case	month	annual	x	x	x	x		x	x	Judicial Council publishes statistics annually and reports biennially.
Wyoming														No central agency.
United States	x	x	x	case defend-ant	case card	quarter annual	x	x	x	x	x	x	x	Detailed reports by Attorney General, U.S. Marshals, and F.B.I., as well as complete report by Administrative Office of the Courts.

NOTE: This table covers courts of general criminal jurisdiction only.

[a] Judicial Council also includes Judicial Conference; Administrative Officer includes all court administrative officers whatever their title.

[b] It may well be that some states collect and compile reports for administrative purposes more frequently than those published for general distribution.

[c] That is, by plea, trial with or without jury, dismissal, etc.; finding of guilty or not guilty.

[d] Sentenced to jail; probation; parole.

[e] Indication of ages of pending cases may be merely those less than six months and those more than two years.

Room for Improvement

This table indicates generally the state of the union's judicial criminal statistics. How can these statistics be improved?

First and foremost: Each state should have an administrative office of the courts, by whatever name it is called, specifically charged with collecting statistics on the work of the civil and criminal courts.

Second: Each state should put first the court's collection of data which are directly useful in court administration and operation, leaving to some other agency the task of collecting non-judicial statistics. The Uniform Criminal Statistics Act, approved by the National Conference of Commissioners on Uniform State Laws and the American Bar Association, proposes the establishment of a Bureau of Criminal Statistics in each state, inferentially within the department of the attorney general, for the purpose of gathering such data.

Third: Each state should collect statistical data of the kind and in the form best suited to the peculiarities of its court structure and procedure and to its administrative needs, without worrying too much about comparability to data in other states. The collection of statistical data for comparative purposes and for the purpose of providing general information on the enforcement of criminal law throughout the country can best be handled by some agency or branch of government not itself directly responsible for the administration of the courts, such as the federal Bureau of the Census or the Institute of Judicial Administration.

Nowhere in the United States today is it possible to find a well-integrated and reasonably adequate system of criminal statistics, either on the local, state, federal, or national basis, in spite of the fact that we have long been deeply concerned with the serious character of our crime problem.

—THORSTEN SELLIN

Probation and Parole Statistics

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OF ALL the phases of correctional statistics, in the preparation and use of which some general progress has been achieved recently, probation and parole statistics have made the smallest advance. While a few agencies have made a promising start, the developments thus far have been limited and geographically spotty.

Correctional statistics is a tough field as a whole, with all of its variables, and probation and parole are the youngest of the most generally used methods of treatment in the correctional area. Some of the reasons for the lack of advance in our statistics can be laid at the doorstep of people who work in, or close to, the area of probation and parole. Some of them may, once they become sufficiently acquainted with the work, have no question as to its value. Of these, many recognize the human values involved and benefits obtained; from then on, since they have no questions, they have no interest in statistical proof. Besides, if their training has been directed at working with people, statistics seems a dry subject and they pass it by. The study of statistics is not for them, but if some simple direct interpretations can be given, they will use them and quote them, and do everybody some good. Unfortunately, not all people have the opportunity to gain that close knowledge of probation and parole which would convince them of its value and they want some added information before buying.

But whatever are the reasons for the condition in which we find ourselves, they are beside the point. We must accept the condition as we find it and work toward solution of the problems.

A Definition or Two

In a discussion of statistics, whether we are talking about statistics or research sometimes becomes an issue. To avoid that, definition of the two terms for our present purposes may help. My dictionary says that statistics are numerical facts, collectively, pertaining to a body of things, especially when systematically gathered by direct enumeration and compared critically. It says that research is organized investigation of scientific phenomena. For our purposes the difference is mainly a matter of degree. We can think of statistics as organized collections of information, which in itself expresses some facts. We can think of research as being a further refined study of certain statistics which are collected in an organized manner. Research is thus a somewhat more intensified and advanced study than the pure collection of statistics.

The Existing Condition

It is easy to talk about advances and improvements, but to do so realistically, we must observe the present state of affairs. Probation and parole have both made great advances during the past half century, but a glance

* At the time this article was prepared, Mr. Davidson was Deputy Commissioner in the Massachusetts Department of Correction.

at the 1957 edition of the *Probation and Parole Directory* is sufficient to indicate that it has a long way to go. Many areas have far too few officers. The statutes pertaining to eligibility show wide variation. Organization varies greatly. If we pursue the subject further, we find much variation in standards. But if the extent of good probation and parole practice is spotty, the agency which collects statistics of any kind on any organized basis is a rarity. Not that any of the agencies which collect any statistics should be discouraged. They are all we have.

The chief effort in the collection of any related type of comparable statistics is at present in the U. S. Department of Justice. The F.B.I. Crime Reports are concerned with crimes and arrests. The Federal Bureau of Prison's *National Prisoner Statistics*, the closest related to our field of interest, is good, but includes no material on probation and little on parole. The primary effort directed toward the collection of standardized statistics has been that of the American Correctional Association, with (1) its *Manual of Criminal Statistics*, prepared by Ronald Beattie, and (2) the model Criminal Statistics Act and the discussion of it by Thorsten Sellin. This, with respect to probation and parole, is brief, but it includes some basic elements, and some of the institutional forms produce some suggestions for probation and parole statistics. It is a new, virtually undeveloped field, and this is in a way surprising, considering the amount of money spent today on prisons, law enforcement, court systems, and support of families of imprisoned men, and the volume of loss, both financial and human, as the result of crime.

Quite a number of state, county, and city jurisdictions prepare annual or biennial reports, and many of these have statistics of some sort. Rarely is their form such that comparisons are possible between jurisdictions, even if we disregarded the important problem of definition of terms. Very few probation or parole agencies have statistical units. Of those that do, only a precious few have facilities for research, and in very few instances does the knowledge derived from these research units become widely known.

The information above discloses no secret. The parole and probation field is wide open for research assaying the results of casework practices.[1] Various seekers of information ask many questions, and we are unable to furnish proof for our answers. We arrive at a rather simple conclusion about the present state of the work done in probation and parole statistics: It is inadequate.

Importance of Improvement

Is it worth the cost and the bother to bring about an improvement? There is obviously no point in improving the level of statistical operation just for the sake of statistics. If the practices of probation and parole cannot be improved by statistical study and research, there would be no point in advancing into statistics. The points in favor, however, look promising, and the negative one, at worst, would be a lack of improvement.

Two directions of possible improvement present themselves from the vantage point of any individual agency. The first is national, and the second is local, but both reflect advantage to the local agency, whatever its jurisdiction.

Advance of national probation and parole statistics will assist in clearing

[1] See C. Boyd McDivitt, "Criminal Statistics and Research," *Proceedings*, American Prison Association, 1951.

questions of all agencies, whether or not each individual agency has assisted in their collection. They would point up certain over-all averages and medians, as well as certain standards to which each agency could compare itself, even though it was a noncontributor. In addition, probation and parole have a tremendous economic advantage over institutionalization, and this financial saving can be attached to success and failure experience tables with convincing effect. If we had this type of information, even neglecting the human values involved, a jurisdiction could well decide what quality of probation or parole service it wanted, and we would be in an excellent position to answer the questions our legislators and our other budget controlling groups present to us.

Why should an agency collect information designed to assist other agencies? Why should funds be expended when the tax community from which the funds come does not benefit? The answer is that any community benefits from the advances of its neighbors, just as it retrogresses when the communities surrounding it fail to maintain their standards.

The second direction in which our statistics can be improved is purely local. If it is impossible for us to rank our own agency, as is true at present, with others of its kind, we can at least collect statistics in a manner which will tell us more about our own agency. We are sometimes prone to concentrate so highly on some of our immediate problems that, unknown to us, certain other problems develop which we could have seen coming if we were watching our own statistics. Whatever the case, we can, with properly selected local statistics, determine our trends from one year to another, and learn from our experience. Some of the types of statistics recommended for this purpose are discussed later in this article.

Initial Difficulties

At some time in the life of any agency or enterprise difficulties present themselves. Since these difficulties must be overcome, it is well to predict—if possible—what they will be before actually being faced with the problems themselves.

First of all, correctional research is difficult. It seems to have more than its share of variables. Correctional research depends upon the collection of statistics, and the statistical involvements are numerous. The collection of statistics, to be of value on a national level, must therefore be carefully considered and planned as part of a research project. There has been no agency, and there is presently no agency, to do this type of planning or collection of probation and parole statistics. There is no centralized leadership in this specific area. While the federal agencies have been wrestling with crime and national prisoner statistics, the other statistical areas in correctional work have not advanced. This, therefore, is problem number one.

The second problem is one which plagues all who collect correctional statistics but can likewise be solved with study and planning. It is the technical side of the question. States vary greatly in their laws and practices; for example, in the following:

1. Definitions of crimes and differences in penalties.
2. Determinate and indeterminate sentences.
3. Probation eligibility laws.
4. Lengths of sentences and good-time provisions.
5. Extent of use of probation laws.

6. Facilities for supervision of probationers.

7. Standards for probationer supervision.

8. Parole eligibility laws.

9. Percentage of use of parole and length of parole periods.

10. Facilities for supervision of parolees.

11. Standards for parolee supervision.

12. General law-enforcement practices.

Some of the items in the above list are of general interest only. The ones of direct interest appear to be susceptible to research. Because of the technical difficulties, no agency has thus far attempted to do any national statistics in probation and parole. The real problem, therefore, is to promote some centralized direction. Within the realm of local statistics, the great variety in type of statistics possible and the lack of any centralized leadership have resulted in a considerable quantity of noncomparable collections.

Approach to Solution

Now that we have various types of problems, what are we to do about them? Without regard to the size of our agencies, we all keep some type of statistics even though it may be limited to "bookkeeping."

Let us consider the national level, for that is the direction in which we must look in order to achieve the greatest ultimate value, even though a national level agency might have a great range of function. What are the presently existing agencies which might be considered for this task? (In addition to the few mentioned below are probably some others, and we should not eliminate any of them hastily, for our ultimate solution may come from an unexpected source.)

When considering the federal government, we think immediately of the Bureau of Prisons and its *National Prisoner Statistics*. No other federal agency compiles any appreciable amount of information on convicted offenders. Excellent as is the work of the Bureau of Prisons, that agency is not likely to be willing or able to take on a comprehensive job of probation and parole statistics, since to do so would result in a dilution of its present activities and standards. But it is the only agency with current experience of this type and its assistance should certainly be sought. Some other federal agency, such as the United States Probation System, might house such statistics. In any plan for national probation and parole statistics, the possibility of assistance of the federal government should be explored.

Can the National Probation and Parole Association, a private agency, take on the job of operating a statistical program? It is the national professional organization for probation and parole agencies, it has done many survey type studies, it operates as a clearing house for information, and it is acquainted with the problems of statistical collection. Can it operate as the central probation and parole statistics agency itself?

To be complete, any system of central reporting must be supported by legislation requiring that statistical data be submitted to the collecting agency. Can public agencies properly be required to report to a private agency? Also, the cost of collecting and publishing reports on the material collected raises the question of whether a private agency can support the program on a continuing basis. Finally, the collection and publication of national official statistics is a function of a public, not a private, agency.

Perhaps the best course of action would be for the Department of Justice, in cooperation with the National Probation and Parole Association, to propose that the U. S. Bureau of the Census, through one of its operating divisions, collect probation and parole statistics on the national level and on a broader basis than it did before it discontinued its series in this field some years ago. This means, of course, that some plan of uniform reporting by the states would have to be devised.

Whatever may be the best course, our first step should be to establish a committee to develop some suggestions and ground rules. This is no criticism of the American Correctional Association or its *Manual of Criminal Statistics*. The work of the ACA's Committee on Research and Planning is a definite milestone. But the size of the project it has undertaken is so large that it will never quite reach the stage where probation and parole statistics would be undertaken. Its field of concentration is prisoner statistics, and the value of the project is so great that it should not be diminished by other objectives. Probation and parole statistics should be undertaken as a separate project. Since we cannot expect fast development of such an independent effort, our next concern is the course of action open to us until a central statistical agency becomes at least a possibility.

As indicated above, the number of agencies which collect comparable probation and parole statistics is very small. This being true, our efforts for the present should be directed toward two objectives: first, the publication of those statistics which are of interest to the public as well as to judges, administrators, specialists, and probation and parole officers; second, the acquisition of statistics which will give information to the agency administrator concerning his own agency. The smallest agencies will be able to prepare only the minimum essentials; other agencies may be able to do more. Those which have statistical units will frequently find it possible to prepare material which will be of long-range value to them.

Agencies which have no specialized units to collect statistics could well try to add at least one person to their budgets for this purpose. A denial by the finance committee on one occasion does not indicate a denial at all future times. Possibly the setting up of a program to show the type of information which will be sought will be of help. Most finance men recognize the value of research, but are apt to deny a request if they believe that the agency has not formulated a program which will result in some beneficial return to the tax body.

Those agencies which do not have the manpower to do much in the way of future planning should select as well as they can the best type of statistical material to be collected. Then, for the types of material for which they cannot do their own work, they can watch the statistical reporting of other agencies as the next best way of obtaining answers.

Presented below are the format of some statistical tables and some methods of statistical collection which have shown their value in different locations. Even without centralized direction, agencies which would use this general format would have at least a rough basis for making some comparisons with other agencies.

Bookkeeping Statistics

The best fundamental table which every agency should keep accurately is its movement of population. Per-

haps it should not even be classed as a statistic. It is an accounting of cases and is as important to an agency as the accounting of finances. It is bookkeeping in terms of persons rather than dollars. As such it is absolutely basic for every agency, regardless of size or facilities. It is kept in one form or another by almost all agencies and institutions now, although the format used varies so greatly that the conclusions possible to draw from some cannot be drawn from others.

Summaries of movement of population, by whatever name they are known in different locations, are recommended in *A Manual of Correctional Standards*[2] and in the *Manual of Criminal Statistics*. They are shown in some agency annual reports. Institutions use them with considerable frequency. They can be made up in a variety of ways; until the time that some centrally directed type of classification is established, each agency must decide for itself the format that will be most valuable for its own purposes. Once the figures are reduced to percentages, the total column of one agency will be roughly comparable to the total column of another, the closeness of comparison being greater with closer similarity of population, laws, and practices. But for the present this is of minor importance. More important, aside from its accounting functions, is the value which the summary of movement has in giving to the agency administrator information about his own agency.

On page 269 is a suggested format for a summary of movement of population for an agency supervising adult and juvenile probationers.

The headings across the top may be different if some other type of distinction is desired. The same table can be used by a parole agency with the variation being the parole instead of the probation classifications. The headings might, for instance, designate the institutions from which the parolee was released, in addition to interagency and interstate cases. Another alternative would be classes of sentences, such as determinate and indeterminate. Another would show parole under laws dealing with alcoholics, defectives, criminal insane, sex deviates, etc. An agency which supervises both felons and misdemeanants might wish to show separate data on each.

In the suggested format above, note the two column headings "Interagency" and "Interstate." The first would include cases supervised for other agencies which are within the same state. The second includes cases supervised under the terms of the interstate compact. The listing also shows intra-agency transfers in and out; this is a transaction entirely within each agency. It can be omitted if desired. Cases removed for other reasons normally include those discharged as a result of death, those deported, those returned to institutions for reasons other than violation, those removed as the result of a finding of lack of guilt for the offense on which time is being served, and possibly a few others.

For purposes of demonstration, some figures have been placed in the "Total" column. The following statements represent some of the types of information available from the summary:

1. Of the 800 cases removed from records, 56¼ per cent (450) were discharged and are presumed to be successful; 37½ per cent (300) were removed by revocation and are presumed to be unsuccessful; 6¼ per cent (50) were removed for other reasons and are

[2] New York, American Correctional Association, 1954.

MOVEMENT OF POPULATION—PROBATION

	Total Probation	Male	Female	Male Juvenile	Female Juvenile	Interagency	Interstate
Caseload, first of year	1000						
New cases	850						
Reinstated	50						
Intra-agency transfers in							
Total cases handled during year	1900						
Discharged cases	450						
Removals due to violations	300						
Removals due to other reasons	50						
Intra-agency transfers out							
Total cases removed	800						
Caseload, end of year	1100						

presumed to be neither successful nor unsuccessful.

2. The percentage of success and failure under supervision can be calculated by comparison of the cases in the two categories of success and failure. This is particularly true when those cases in the category of "removal for other reasons" have been carefully screened. In the example shown, 750 cases were removed for success or failure. Of these 450, or 60 per cent, were successful; 300, or 40 per cent, failed. This is probably the most accurate method of determining the rate of success or failure from the figures available, even though it produces the most severe comparison, assuming that success or failure while on probation or parole is the criterion to be used. The method shown here can be refined to a degree so that a slightly less severe failure percentage is shown, if the reinstatements cancel out revocations. In this example, then, the 50 reinstatements would be subtracted from the 300 revocations, so that the computation would be on the basis of 450 successful cases and 250 failures, giving respective percentages of 64 per cent and 36 per cent.

Some agencies have used other methods of expressing success and failure, but these are generally unsatisfactory. Some use comparison with average caseload. We can use the set of figures given for examining this method. It is sufficiently accurate to say that the average caseload for the year is 1050. The rate of revocation then would be 300 over 1050, about 28½ per cent. The fallacy here lies in the fact that while the average caseload stays about the same, the number of revocations varies greatly, depending on the length of time shown by the summary. If it is a one-month summary, the number of revocations would be about 25, and the comparison with the caseload of 1050 would give a failure percentage of roughly 2½ per cent. If the period of the summary were two years, the number of revocations—if the prevailing rate continued—would be expected to be about 600, and the percentage of failure would be 57 per cent. Thus, any figures using this method would be meaningless or misleading.

Another method is the comparison of number of failures with new cases received. This is less hazardous from the standpoint of great variation in ex-

pressing percentage, since the number of new cases per year does not vary a great deal from the number of discharges. This method may indicate a slightly lower percentage of failure, but it has no logical basis.

Some other completely different methods exist for expressing success or failure, but these are more of a research than a statistics problem.

3. The number of new cases per year gives some information of general value. In a probation agency, it can be compared with the number of convictions in the courts served, to determine the extent of use of probation. In a parole agency it can be compared with the total number of releases from the institutions; some idea may thus be obtained about the percentage of inmates granted parole. This is not too valid a figure, but if your agency has someone who likes to play around with statistics, he may be able to improve on it with a few variations of the same idea.

4. In a parole agency, if the summary is kept separately for each institution, most of the types of information listed above can be determined for each institution, and some facts may be determined by comparison of institutions. If some unexpected information emerges, the reasons for it should be determined. If the information is unfavorable the reason may be a weakness in (1) the institutions, (2) the parole board, (3) the parole supervision, or (4) some condition which exists before the institution receives its inmates—but don't put the blame on some other spot too fast. It might just be that your agency has some faults.

5. Any agency which has sufficient clerical staff—and any having more than a few caseworkers—should carry the movement of population one step further. It should maintain a similar report on each of its caseloads on a monthly basis, not only for accounting purposes, but also to determine trends and problems in each area. Study of the reports can tell you a great deal and show the way to improvements, if you let the figures talk a little.

6. The parts of the table labeled "transfers in" and "transfers out" are important. In the report of an individual officer, a transfer from his caseload is a transfer out; the officer receiving the case counts it as a transfer in. On the individual summaries, some caseloads will show much turnover, and these forms should guide the administrator to redistribution of work loads.

Work Loads

Another essential type of statistics is that which shows the work load of the agency as well as the nonsupervision work loads of its officers.

Investigation is the most common and time-consuming nonsupervision duty. The number of investigations completed should be tabulated not only in the agency summary, but also for individual officers. A breakdown of type of investigation—such as presentence, institution admission, preparole, probation, pretransfer, prepardon, supplementary, other states, and special—should be maintained in order to estimate volume of work in relation to the quantity and quality of personnel. Armed with this information, it is possible to make comparison with national standards to determine the personnel requirements of the agency, and the quality of work which can be expected.

Average caseload should be computed carefully (by dividing the total caseload by the number of caseworkers actually supervising cases, without inclusion of the supervisors of casework-

ers) and compared with national standards.

In some parole agencies, parole officers work with prisoners long before parole is granted, sometimes throughout institutional residence. When this occurs, some measure of institutional caseload should be determined and expressed.

If, as occasionally occurs, a probation or parole agency has other functions to perform, the quantity of such work should also be tabulated and weighted according to quality of performance expected.

Violation Studies

The question of success-failure percentages is one that is asked of administrators very frequently. Some administrators are reluctant to express a true revocation percentage, even though it is thoroughly justifiable. They might be less hesitant if they thought of adding the information that a part of the failure percentage was for violation of parole rules and that only the remainder expressed new offenses. These figures can be kept in the regular movement of population report, or they can be maintained separately.

The tabulation of violations can be done in a very few categories, or it can be enlarged, depending on the value of desired additional items. A simple tabulation of violations would include the following, with each category expressed also in terms of percentage:

1. Number convicted of felony.
2. Number convicted of misdemeanor.
3. Number absconding.
4. Number revoked for rule violations.

Cost of Supervision

Probation and parole should be developed because of their intrinsic values and not merely because they are relatively inexpensive, but their low cost compared with the cost of institutionalization is always a strong point with budget controlling bodies and it can be helpful in expressing the needs of an agency.

In discussing comparative costs, probation and parole administrators should not neglect other items not included in direct appropriations. Among these are the operational costs of institutions, capital outlay and depreciation of an institution on a per capita basis, the cost of public assistance to families of inmates, and tax revenue losses to government. This type of comparison, because of its extreme value in demonstrating the financial savings of probation and parole, should be included with the required group of statistics.

Special Items

To every agency administrator there are at times some items in which both he and the public have a special interest. If they can be tabulated, they belong in the list of required statistics.

As we look through the annual reports of agencies other than the ones that are close to us, we all hope to find information of two types; first, that which we can use for comparison purposes; second, that which will give us some new ideas which we can use in our own agencies. If each of us could publish our findings in at least the types of statistics mentioned above, we would be participating in the advance of probation and parole to its proper position generally, even if not directly in our own agency.

Optional Statistics

The types of statistics we have been talking about to this point are those which all agencies should maintain.

They represent much too small a portion of the statistics which should be kept by probation and parole departments. No business whose gross expenditures are comparable to the sums expended in corrections would think of operating with as little verified information.

While there are undoubtedly many other types of statistics which come close to being required for understanding, we speak of them here as optional statistics. The required statistics are those necessary for short-range operation. The long-range, or optional, statistics are just as necessary if an agency, however long in existence, is ever going to operate on anything more than a short-range viewpoint. Whatever we may call these long-range statistics and whoever may do the research upon them, properly kept they can tell us much about probation and parole and all of the allied parts of the field of correction.

To attempt to list, much less discuss, long-range statistics is beyond the scope of this article. That is the statistician's and researcher's field, and even if our only limitation was one of space, we would make no attempt to trespass on it here. Correction and criminal statistics manuals are available which discuss the subject; papers delivered at the Congress of Correction in Los Angeles last year made excellent contributions; and research and statistics units now in existence are always willing to give information on their programs to those who seek it. The goal to be achieved is research to solidify the things we do well and to substitute for the things we do poorly.

If one-tenth of the funds now expended by our states upon the support of penitentiaries, jails, and prisons were intelligently used in providing for the employment, care, and supervision of offenders on probation, the effects, as our experience already proves, would be of multiplied value, and by *preventing crime* would work a vast economy for the state.

—HOMER FOLKS

National Prisoner Statistics*

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IN TODAY'S world of automation, man-launched satellites, and intercontinental missiles, our knowledge of how human beings behave and of how to deal with those who fail to meet society's minimum standards of behavior has been sadly neglected. Although we know more about such matters than we did twenty-five years ago, real research in corrections remains infinitesimal. Research guides the actions of today's giant corporations, yet General Electric or U. S. Steel have no greater need to base their actions on scientifically determined facts than we have in the giant field of corrections. We, no less than they, need the kind of accurate knowledge which can come only from practical research. Only with such knowledge can we properly chart our course.

People have differed widely about whether the main purpose of prisons is retribution, keeping dangerous people out of circulation, deterrence of others, or rehabilitation. Research will not tell us which of these purposes, or what combination of them, we *want* prisons to serve, but it should give us vital information about the effectiveness of prison programs in achieving what many consider the most important of these purposes—prisoner rehabilitation.

The research we need is more than mere fact-finding. And we in research and statistics should avoid getting so involved in methods that we forget purposes. We have an obligation, I think, to try to use our methods and figures to push toward answers to these vital questions: How do offenders "get that way"? How can getting that way be prevented? How should we deal with those who have already gotten that way? While there have been numerous studies on the backgrounds of offenders, such as those of the Gluecks and the Cambridge-Somerville Youth Study, it is all too obvious that we do not yet have the answers. And since these answers are vital, they should remain for us a constant challenge. But the intensive research needed to answer such questions must, of course, center mainly in relatively homogenous groups of offenders dealt with under fairly uniform or controlled conditions. On the national level, and in a single statistical program covering the diverse institutions and correctional systems of the forty-eight states, we obviously cannot go so deep.

So although the national collection of statistics on prisoners can merely scratch the surface of correctional research, it is a highly desirable starting point. However, it is surprising to find people active in corrections who have no idea that for three continuous decades uniform nation-wide statistics on prisoners in state and federal in-

* Adapted from a paper presented before the Research and Planning Section, American Congress of Correction, Los Angeles, August 27, 1956.

stitutions for adult offenders have been collected—by the Census Bureau from 1926 to 1949[1] and by the Bureau of Prisons since 1950.

At least until we get the kind of all-out research that is needed, we ought to capitalize more than we do on the possibilities for comparing the extent of use of the major prison systems, and the sentencing, release, and time-served practices (that is, in the forty-eight states, the District of Columbia, and the federal government).

The *National Prisoner Statistics* program facilitates such comparisons. We compile summary statistics on all prisoners who pass through the cooperating institutions, and more detailed ones on the group we arbitrarily classify as "felony prisoners"—in general, those sentenced to six months or more. For these, the statistics cover age, sex, race, marital status, country of birth, offense, length and type of sentence, and time served.

Recidivism Statistics

More information could, of course, be collected. For example, we could collect data on recidivism. The Census Bureau did so for each year from 1926 to 1946, but then removed this item from the reporting forms. The Bureau of Prisons has not resumed the collection. When we do, and I believe we should when we are otherwise caught up in the program, we shall have to decide whether to collect recidivism information on prisoners at the time they are received or at the time they are discharged. The Census Bureau did it both ways, but from 1939 to 1946 collected recidivism data only on discharges in the belief that thereby the institutions would have more information to report on criminal backgrounds. There is evidence to support this belief—that is, there were fewer "not reported" cases after the recidivism item was shifted. But it certainly is possible that greater efforts were made to obtain the data from the reporting institutions after the shift was made in 1939. Be that as it may, it seems to me that if recidivism figures were collected again they should be collected on prisoners received, even though this method might present somewhat greater difficulties than collecting the data on discharged prisoners, because the statistics would present a more current picture if collected on commitment. And there would not be the disadvantage that data on prisoners who had served only a few months would be mingled with those on prisoners who had entered the institutions many years before.

If data on recidivism should again be included in *National Prisoner Statistics*, the question of how far we should go would arise. In theory we could delve infinitely—even seek data on past placements on probation, on previous arrests, and on past convictions that resulted merely in fines. But going this far would become pretty complicated. The simplest way would be merely to collect "yes" and "no" data on whether the offender has served a previous sentence in any institution. More complicated would be to ask the *number* of previous confinements, and still more so would be to follow the former Census Bureau practice of distinguishing among previous commitments to "juvenile institutions," "jails," or "prisons."

While there may be justification for distinguishing previous commitments to training schools for juvenile delinquents from those to institutions

[1] With comprehensive reports issued for each year from 1926 to 1946 under the title *Prisoners in State and Federal Prisons and Reformatories.*

for adult offenders, I question the merit of the distinction between "jails" and "prisons." I believe that an offender's previous imprisonment experience could be better evaluated on the basis of the lengths of previous sentences served, such as "one year or less" and "more than one year."

My inclination, if we should collect recidivism figures, would be to make the collection simple, especially if the data were sought in connection with prisoners received rather than those discharged. I would prefer, then, *not* to distinguish between the types of institution to which a prisoner had been previously committed, or even to be concerned over the lengths of his previous sentences, but rather to proceed on the theory that the important distinction is between prisoners who have served a previous term and those who have not had this experience. This is the way we present our recidivism figures on prisoners received in federal institutions in Bureau of Prisons reports, and I would hesitate to go further in dealing with fifty different correctional systems.

Objectives of NPS Program

When the Prison Bureau assumed responsibility for *National Prisoner Statistics* we had high hopes of rapidly stepping up the program's usefulness. Our first major objective was to achieve something hitherto unattained —full reporting from all state institutions for adult offenders. A second more incidental objective was to improve the collection of statistics on prisoners executed, and to fill certain gaps in the Census Bureau's twenty-year historical series on this subject. And our third was to speed the processing of data so that complete figures on the year's prisoner commitments and discharges would be available shortly after the year's end.

The Bureau of Prisons has attained the first two of these objectives. Since 1952 the state correctional institutions for adult offenders in all forty-eight states and in the District of Columbia have been reporting fully. And now we can present complete data on executions shortly after the end of a year, and provide figures on the age, sex, race, and offense of persons executed under civil authority in this country since 1930.

However, our third objective—speeding the processing of data to bring our major statistical presentations up to date—has presented a more difficult problem. Although summary commitment and discharge figures are being released earlier than ever before —about six months after the end of a year—there have been numerous obstacles to making the more comprehensive statistics current. Among these obstacles have been (1) irregularities in institution reporting—of time served, for instance; and (2) wide diversity, in state laws and procedures, in naming offenses, types of release, length of imposed sentences, and age and offense determinants of commitment to the various kinds of institutions.

Statistics on Time Served

A good illustration of irregularities in institution reporting involves our efforts to obtain satisfactory statistics on time served. We feel that data on the periods of time prisoners actually spend in prison are the most important collected in the program. Thus, shortly after the Bureau of Prisons took over the program, we were perturbed to find signs of something wrong with the time-served figures the institutions were sending in. The main signs of in-

accuracy involved figures for parole violators. Therefore, early in 1950, we sent a questionnaire to all institutions, asking them how they were reporting the time such violators had served when they were released a second time. The replies were surprising: they showed that such time was being reported inaccurately in about two-thirds of the cases. The leading error, and a rather unbelievable one, was to count time spent out on parole as time spent in the institution. It was a sizable task to correct the situation, but it was finally accomplished. A new plan was adopted, limiting collection of information on time served to prisoners released for the first time on their sentences.

It required about a year to "teach" the revised plan to the institutions. Under it the institutions continued to provide full information on all prisoners released, but they sharply distinguished, according to our instructions, between prisoners released for the second or subsequent time on their sentences and those released for the first time.

Our first figures on time served up to first release were for 1951. These confirmed Census Bureau findings that the states disagree sharply as to how long prisoners sentenced for the same offense should serve. Despite general agreement that the length of confinement should fit the individual situation, it seems evident that if penology were more of a science a more consistent pattern would have emerged. In 1951—the latest year for which data are available—there was almost no pattern at all. Here are some highs and lows of median periods served:[2]

Offense	*Low Median*	*High Median*
Murder	3 years, 11 months (Alabama)	17 years, 5 months (Illinois)
Manslaughter	1 year, 5 months (Tennessee)	4 years, 6 months (New York)
Robbery	1 year, 2 months (Colorado)	6 years, 3 months (Indiana)
Burglary	8 months (Delaware)	2 years, 9 months (Iowa)
Forgery	10 months (Maine)	3 years, 1 month (West Virginia)
Rape	1 year, 6 months (Wisconsin)	4 years, 1 month (Ohio)

The figures suggest that we are working in a pretty thick fog as to the length of time men convicted of the same offense should be held in prison.

Another factor which varies with local usage is length and form ("definite" or "indeterminate") of imposed sentence. Here *National Prisoner Statistics* merely records what a state reports, although we are well aware that a sentence classified as "definite" in one state may be as "indeterminate" in its effect as one labeled "indeterminate" in another. While we expect to continue to publish statistics for the two separate categories of sentences, I sometimes question whether we should. Statistics on length of imposed sentence are obviously important. But, although they are reasonably comparable within a single jurisdiction, their meaning is obscured when figures for different jurisdictions are compared or combined. The usual aim, I believe, of comparing average lengths of imposed sentences is to discover likely differences in the time which will actually be served. But, unfortunately, sentence-length data do not provide this information—and this is why I favor less emphasis in *National Prisoner Statistics* on sentence length, and much more on periods of time actually served.

[2] These figures cover only states which had twenty-five or more releases for the specific offenses.

The low and high median figures for various offenses cited above indicate the need for fact-finding of the most careful sort. It is needed on many phases of our work, but nowhere more, it seems, than on how much imprisonment should be imposed on offenders of various types. The wide variations in periods served spotlight the perpetual dilemma: Everyone, or almost everyone, agrees on the need for prisons, but there is very little agreement on just what their purpose or purposes should be, or just how they should be used. It is a challenge to all of us to provide the facts on the basis of which disagreements can be resolved.

Classifying Offenses

Many problems which would not arise in statistics on a single jurisdiction must be met in compiling prisoner statistics from all states. These crop up mainly in the attempt to make diverse practices fit into consistent, comparable national categories. Even names of offenses, for example, are not uniform. One would expect "murder" to mean the same thing in every state, but it does not, because of the states' varying distinctions between murder and manslaughter. Texas, in fact, has no manslaughter statute, and records as murder those offenses which other states classify as manslaughter. Therefore, in the first *National Prisoner Statistics* report on time served, Texas is shown as having released more "murderers" than any other state, these offenders serving the shortest median time—only thirty-four months.[3]

Comparable situations exist with respect to other offenses. Purse snatching is classified as "robbery" in the District of Columbia; in many states it is considered merely as "larceny." And although "auto theft" is as specific an offense as there is, it is often not specifically reported because certain states insist on including it among the "larcenies" or "grand larcenies." And there is the seemingly unsolvable problem as to whether forgery of a narcotics prescription should be classified as "forgery" or as a narcotics violation. It is prosecuted under the federal forgery statute, but from the sociological standpoint it would seem better to classify it as a narcotics offense. The Bureau of Prisons does the latter, but the Administrative Office of the United States Courts classifies this offense with other types of forgery.

Types of Release

Then there is the manner of releasing prisoners. Presumably the terms "pardon," "conditional pardon," and "commutation of sentence" have a fairly uniform meaning throughout the country. But there is so wide a difference among states in the extent to which these various types of release are used that we question whether our figures tell their full story. Thus, in 1954 Idaho reported 83 releases from its state prison by full pardon, which was nearly 90 per cent of all releases from the prison by this means. Only two states—Missouri, releasing nearly 1,200 prisoners, and South Carolina, releasing more than 600—accounted for about two-thirds of all releases by commutation of sentence from state institutions.

Perhaps we should not be concerned. In the *National Prisoner Statistics* program we have to accept and record the types of releases a state reports. If one state releases prisoners by pardon or commutation of sentence whom

[3] Because of this anomaly, Texas' figures were not shown on page 276 as the low median time served for murder.

other states release in another way, there may be nothing statistically that can be done about it.

Toward a Complete Count

But the most fundamental problem of compiling national statistics on prisoners is: How can the greatest possible comparability between reporting jurisdictions be achieved? Despite whatever progress can be made in rationalizing designations of offenses, and in solving the problems presented by varying types of releases and of sentences, comparability between jurisdictions will still remain far less complete than one would wish as long as the statistics include only a portion of confined law violators and only two of the four kinds of institutions we have. Two important segments of the prisoner population are left out. *National Prisoner Statistics* includes only prisoners committed to state and federal institutions for adult offenders; those confined in local institutions—jails, workhouses, houses of correction, etc.—and those confined in institutions for juvenile delinquents are omitted. Because of the diversity of state practice as to which offenders are sent to the excluded institutions, the effect of omitting inmates of local and juvenile institutions from *National Prisoner Statistics* is to impair the consistency of data we do collect.

For example: in Maryland, about a third of the offenders sent to state institutions would, in most other states, be sent to local jails. In Massachusetts, on the other hand, no short-termers go to state institutions, and in fact a considerable number of prisoners sentenced to terms of two years or more are sent to local institutions. Our statistics are not complete when such anomalies of practice are hidden in them.

Juvenile institutions present much the same problem. A sharp line is almost always drawn between juvenile and adult state institutions. But there is no such sharp line drawn consistently by all states between childhood and adulthood, and hence no consistency in the age limit for juvenile institutions. According to the FBI, nearly half—42 per cent—of those arrested for "major crimes" in 1955 were under eighteen; for burglary, the proportion under eighteen stood at 52 per cent; for auto theft, 62 per cent. So the correctional field's greatest task is with persons in this poorly defined group of juvenile/adult age. And the Census Bureau estimates that this group, at the delinquency concentration point, will increase by more than 50 per cent in the next ten years. Yet it is here—right at the juvenile-adult line—that our *National Prisoner Statistics* data stop. For we collect statistics from "adult" institutions but not from "juvenile" institutions. Again, the problem lies mainly in the variation among states—which offenders among those on the age borderline are sent to juvenile institutions, which to adult institutions.

It is not only this lack of statistical comparability which causes my concern over omitting statistics on juvenile institutions; the omission also means that we lack complete statistics on offenders in the crucial age group.

Recently we were asked whether young persons under special types of "youth" sentences tend to serve longer than adult offenders under conventional sentences. While our federal figures indicate that for the same offenses adults tend to serve slightly longer, we have no information on state terms. This is not only because we have no data on juvenile institutions, but also

because we still follow former Census Bureau practice, and classify offenders who are committed to adult institutions under minority sentences, or for "juvenile delinquency," as misdemeanants, and thus eliminate them from our detailed time-served statistics. Perhaps we should change this practice, but so far it has seemed reasonable that since we receive no statistics from juvenile institutions the few offenders received in adult institutions under "juvenile" sentences might as well be excluded too.

Not to have our NPS program cover all United States correctional institutions, and thus all confined offenders, then, is a serious handicap and one which, unfortunately, will be hard to surmount. Obtaining reports of prisoner commitments and discharges from some 3,000 jails and workhouses in this country would be a colossal task. Including juvenile institutions in the data would be easier, but even this would represent no small undertaking. Because at the moment we see little likelihood of such an expansion, we are hoping the U. S. Children's Bureau will compile statistics on commitments and discharges from institutions for juvenile delinquents which will fit in with our present NPS coverage of institutions for adult offenders.

Whether or not this will be the next step in maintaining national prisoner statistics, I think it can be generally agreed that an important long-term goal for the correctional field should be the development at the federal level of a national program which provides uniform statistics on every person in this country sentenced to confinement. Prisons, timeless as they are, and indispensable as they seem to be, still constitute something of a "dark continent" in the broad field of public welfare and social control.

Criminal statistics must be collected, compiled, and analyzed under the direction of a statistician, not by a filing clerk, bookkeeper, or some ordinary political dependent.

—LOUIS N. ROBINSON

Correctional Statistics at the State Level*

JOHN W. MANNERING

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WHETHER he functions at the institutional, state, or federal level, the correctional statistician has basically the same job—to provide as reliable answers as possible to the administrator's and the public's questions about the correctional program. Essentially, this involves (1) assembling accurate facts in comparable form, and (2) organizing and interpreting these data so that they are useful to the administration in (a) making decisions and (b) informing itself and the public about program operation.

The principal questions asked by the state corrections administrator who wants to make decisions based on statistical answers may be broadly phrased as follows:

1. What changes are taking place in the number and kinds of offenders being served by the various correctional programs? Answers to this question are essential in evaluating present and future needs, the first step in program planning.

2. What shifts are occurring in the proportions of felony convictions resulting in prison sentences, probation sentences, jail sentences, or fines? What kinds of offenders are placed on probation and what kinds are sent to prison? Answers to these questions are needed to evaluate the attitudes of courts and law-enforcement officials and their receptivity to the goals and philosophy of the state corrections administration.

3. What proportion and kinds of offenders succeed or fail on probation or parole? Answers to this question are needed to evaluate the effectiveness of field supervisory programs and may be useful to courts and parole boards.

4. How does my state compare with other states as to number of offenders under supervision, failures on probation or parole, staff ratios, costs, etc.? Administrators need these comparisons, in as valid a form as possible, as bench marks in determining progress or lack of it in their correctional programs.

A System of Basic Statistics

In order for us to begin to answer these questions, and many others that are raised in the corrections field, a system for assembling basic statistics must be set up and maintained over a period of several years. The words "several years" should be emphasized, because this is a long-term project. Unless the data collected prior to the establishment of a centralized statistical agency by each institution or service on its own are fairly detailed and comparable to statewide figures, some questions must remain unanswered until enough time has elapsed to reveal trends. In this sense, statistics "grow better with age," but the process

* Adapted from a paper presented before the Research and Planning Section, American Congress of Correction, Los Angeles, August, 27, 1956.

of aging can be discouraging when administrators demand answers right away. Our system has been in effect a little over four years, but we feel this is not long enough to insure the validity of many trends. In setting up a basic statistical system, therefore, the corrections administrator must be thoroughly aware of its long-term nature and of the fact that in some respects the investment will not fully pay off for quite a few years.

The state corrections administrator (and the statistician) should also recognize at the outset that a statistical reporting system cannot, and should not, be designed to answer *all* questions that *may* be asked. There is a tendency, which needs to be resisted, to clutter up statistical systems with routine reporting items which have little potential utility. Much of the data needed by administrators for program planning and public enlightenment can be provided if routine reporting is limited to population movement and a few carefully selected factors relating to all, or a sample, of offenders coming under the agency's supervision. Some information can be more effectively and accurately assembled by means of periodic collection. Answers to still other questions can be obtained, if at all, only through purposefully designed research. But no item which, by careful evaluation, can be shown to have real value should be arbitrarily excluded from routine reporting. In other words, whether or not a given item of information should be included in a plan for routine statistical reporting ought to depend entirely on the definite, continuing need for this information in administration or research.

In planning a system for the state, the statistician may be concerned with certain technical problems that do not exist either at the institutional or at the federal level. For one thing, state correctional administration may involve a multiplicity of programs and institutions. There is a compelling need in this event to coordinate and integrate the data from all related correctional services. This means (1) getting agreement on the kinds of basic records to be maintained by all units, both as to content and form, (2) determining the kinds of information that should be routinely reported, (3) formulating definitions for ambiguous items and achieving uniformity in their application by all units, and (4) deciding what data for all units should be regularly tabulated, analyzed, and published. These were essentially the steps taken in setting up a new correctional statistical system in Wisconsin.

Wisconsin's Progress

Prior to 1952, Wisconsin's correction statistics consisted primarily of simple population movement data reported monthly to the central office by each institution or service. It was found that even such minimal data were not reported uniformly in all respects. For example, there were differences in reporting on persons on leave and escapees from institutions. There were differences in identifying probation and parole violators sent to correctional institutions. There was overlapping between field service and institution population counts. Although some of the institutions did prepare rather detailed and useful data on inmates, others compiled very little; and what was compiled by one unit was often not comparable with that compiled by another. There was also considerable lack of uniformity in the reporting and organization of information in the individual case records from which the basic statistics were obtained. These are examples of why centralized

statistical services may be needed, and point up one of the important functions of a *state* correction statistician—that of coordinating and unifying the collection of data from all units in the state's correctional system.

Wisconsin's present system of correctional statistics, which began in 1952, can be briefly described as follows:

1. Each institution and service currently sends in a rather simple daily population movement report. It contains the usual turnover data and lists by name and number those offenders added or separated during the day. Types of movement have been defined and are therefore uniformly classified. (This reporting is geared to similar procedures and definitions established for mental and child welfare institutions under the Department's jurisdiction.) Fairly current population data are thereby available to the administrators and we compile a simple weekly report for them. The daily population movement reports are also the key to the more detailed reports on each offender that come into the central office later.

2. An IBM card is prepared on each offender admitted to a correctional institution or placed on probation to the Department. At present, only the following facts are obtained on each admission: age, sex, race, offense, sentence, county where convicted, marital status, education, military record, prior felony status, month and year of admission, and type of admission. Eleven other factors, originally included on the card, have been dropped because of limited utility, unreliability, or difficulties encountered in obtaining complete reporting. The source of information for the IBM cards is a face-sheet used throughout the institutions and services. The face-sheet, an integral part of each offender's record, is completed by professional staff who do the interviewing.

Admission data are recorded on two sets of IBM cards. One set (yellow stripe) is maintained as an active master file from which statistical analyses can be made of the current population composition. The other set (green stripe) is maintained in another file from which statistical analyses can be made in terms of all admissions.

When institutionalized offenders are paroled, data relating to the parole are added and another set of cards (red stripe) is produced. From these all parolees can be analyzed. Similarly, when parole or probation is revoked, data relating to the revocation are added and still another set of cards (blue stripe) is produced. From these all revocations can be analyzed.

When correctional supervision is finally terminated, data relating to the termination are added to the master card (yellow stripe) and these cards are placed in a closed file which can also be analyzed. All parole, revocation, and termination cards contain data as to the length of time the offender was under institution or field supervision.

3. Finally, an alphabetical card file—showing the name and number of the offender and the dates and types of movement occurring during his entire period of supervision (a "tour")—is maintained. This file is particularly useful to the statistical office for follow-up studies. These studies will be discussed later.

This, then, is the basic statistical system used in Wisconsin. It is one that rather readily provides much of the basic information needed by state correctional administrators. Machine tabulation makes compiling detailed information and obtaining relation-

ships between data both easier and quicker than is usually possible at the institution. Manual tabulating at the institution or field office is also eliminated.

Aids to Research

Another use of this system should by no means be overlooked. Selecting enough cases for study from thousands of case records is a nearly impossible job, one which often prevents a study from being undertaken. This system, permitting rapid identification by crucial variables of samples of offenders, thereby overcomes a technical difficulty of research in corrections. Aiding research in this way should be a major consideration in planning a state's basic statistical system.

Another basic kind of information the state needs is data on court disposition of offenders charged with major offenses, to determine what proportion are sent to prison, placed on probation, sent to jail, or fined, and whether these proportions are changing. In some states, such as Wisconsin, these data are obtained by other state agencies such as the attorney general's office or the state judicial administration. If the information is not otherwise available, provision may have to be made for collection by the state correctional agency itself.

Measuring Effectiveness

An intriguing problem encountered by correctional statisticians at the state level is that of developing better procedures for quantitatively evaluating the effectiveness of probation and parole services. Traditionally, corrections administrators have equated "success" or "failure" of offenders with violation of the conditions of probation or parole. "Failure" is often statistically expressed simply as a proportion of revocations to total terminations of probation and parole. Those not revoked are presumed to be "successes." But a revocation, *per se,* is purely a legal or administrative device for transferring an offender from noninstitutional to institutional supervision, although more and more it has become a tool of therapy in authoritative casework.[1] Consequently, not all violators are revoked; and many who are revoked have not violated in a criminal way. Revocation, therefore, is no longer, if it ever was, a sound criterion of "failure." Indeed, more intensive supervision of offenders brought about by employment of more and better trained field agents can result in a higher revocation rate!

Another fault in the traditional practice of grossly comparing revocations with total terminations is that no account is taken of the variance in the length of time that individual offenders are under supervision before termination occurs. For example, one offender who completes only three months' supervision before his term ends but who subsequently commits a new offense is counted as a "success," while another offender who is revoked after three years' successful supervision is counted as a "failure." This fault alone can make such gross comparisons rather meaningless.

Wisconsin has been experimenting with cohort analysis as a better quantitative method of evaluating the effectiveness of field services. It is essentially a limited follow-up study, involving offenders admitted to probation and parole during each calendar year beginning with 1953. What happens to a group of admissions, rather than what has happened to a group

[1] See article by John Wallace, "The Caseworker's Approach to Rules," *NPPA Journal,* January, 1956, pp. 14–21.

of terminations, is the focal point of analysis. The status of each admission at the end of six months, at the end of one year, and at the end of two years is being determined. The alphabetical cards containing movement data, which are part of the system described above, are essential to the operation of this project. From these cards it can be readily determined what the status of an offender is at the end of certain intervals, and whether or not he has returned to our correctional jurisdiction under a new sentence if discharged from supervision. Status at each end-point is classified as follows:

1. Still under field supervision.
2. Discharged from supervision, but not returned under a new sentence.
3. Voluntarily returned to institution for special purposes.
4. Revoked without a new sentence.
5. Revoked with a new sentence.
6. Discharged from supervision, but returned to our correctional supervision under a new sentence.
7. Died while under supervision.

It can be seen from this classification that "success" or "failure" can be evaluated from several standpoints. Since corrections administrators will continue to be interested in revocation experience, even though this is not a valid criterion of failure, we will find out what proportion of probationers and parolees are revoked within a given period. However, a better criterion for determining "success" or "failure" is whether the offender is convicted of another serious offense within a specified period of time, whether or not he is under supervision. We are therefore recording convictions during and after probation and parole.

This follow-up study is still unfinished. Not all data have been tabulated, nor have results been evaluated. One limitation of our results will be in the "failure" data—we have no practical way of knowing when offenders are convicted of crimes after leaving our jurisdiction. Therefore, we can only assume that the failure rate outside our jurisdiction is constant. Hence "failures" will be somewhat understated. Another limitation of this method (which will not, however, affect the validity of the statistics themselves) is that considerable time may elapse after admission before follow-up data can be obtained, depending on the end-points selected.

Uniform National Statistics

The problem of obtaining reasonably comparable data on other states' correctional activities, particularly probation and parole figures, is an important one. Except for prison statistics compiled by the Federal Bureau of Prisons, state-by-state information is practically nonexistent. At present, no federal agency gathers nation-wide uniform statistics of probation and parole activities.

California appears to be the only state that I know of which has a fully centralized system covering juvenile and adult probation, parole, sentencing, and institutional data. Aside from Wisconsin, states that have centralized some aspects of correctional statistics are Louisiana, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, and Washington. There may be others.

There have been some heartening developments recently, however. In November, 1956, the Children's Bureau assembled a representative group which explored the possibility of national reporting on juvenile probation. Another group—representatives of six Midwestern states—convened as the First Midwest Conference on Cor-

rectional Statistics last October, meeting at the same time as the Second Midwest Conference of Mental Health Statistics.

Each state delegate at this initial conference on correctional statistics described his state's system of collecting juvenile and adult statistics. Discussion of these systems, and of a proposal contained in a statement from James V. Bennett, Director of the Bureau of Prisons, led to the adoption of a resolution which will be followed up at the next annual meeting of the Conference.

Bennett's statement proposed a model program based on centralized rather than institutional reporting of state prison statistics by states having central statistical agencies. The Midwest Conference on Correctional Statistics resolution endorsed this idea, and added to it a request to other federal correctional agencies to aid all states to develop nation-wide reporting in corrections areas not now covered. Copies of the resolution were sent to all federal agencies involved (the Administrative Office of the U. S. Courts, the U. S. Parole Board, the Children's Bureau, and the Bureau of Prisons), to NPPA, and to the American Correctional Association. The Conference will meet late in 1957, again in conjunction with the Mental Health Statistics Conference, at Lansing, Mich.

The descriptions of six state correctional systems and their statistical collections programs below are taken from the report on the Conference on Correctional Statistics.

Wisconsin: The Division of Corrections is one of four divisions in the State Department of Public Welfare. This Division operates adult and juvenile correctional institutions. It also supervises field services—including all probation offices (except for Milwaukee County, which operates its own) and parole for all state correctional institutions—and administers the sex deviate law. Correctional institutions report directly to the Federal Bureau of Prisons as well as to Wisconsin's Bureau of Research and Statistics, which maintains information on IBM tabulating cards in the system already described.

Because the Wisconsin correctional administration is unified—including probation and parole as well as penal institutions—and because the state's Department of Public Welfare also includes divisions dealing with Children and Youth, Mental Hygiene, and Public Assistance, correctional statistics are not isolated from related welfare figures or from use in over-all welfare administration. Greater coordination and cooperation between these programs is possible as a result.

Nebraska: Correctional data are collected only for juvenile training schools; these cover admissions, status change, and the placement program. The child welfare department maintains these statistics. There is no system of centralized reporting for the adult correctional program. Institutions report directly to the Federal Bureau of Prisons.

Michigan: The Department of Corrections has collected statistics for over ten years, using punch cards. Inmate population data are inaccurate; probation data are slight, but plans for detailed statistics on adults in prisons and on probation have been made. Judicial criminal statistics which go back more than ten years, from all courts in the state system, include data on age, sex, birth date, charge, and disposition of offenders.

Kansas: The state's Department of Social Welfare collects data, similar

to that obtained in Wisconsin, on juvenile offenders' social characteristics, reason for commitment (last offense committed), county of residence, level of education, usual occupation, and veteran status of father.

Minnesota: Adult correctional statistics are collected for the reporting system of the Federal Bureau of Prisons. There is also a punch card system to record the monthly movement of population. The Youth Conservation Commission administers juvenile institutions. Data on adult parolees include those returned from parole, but not the reason for return.

Ohio: Uniform statistics on adult and juvenile correctional institutions date from 1947. Month-end statistics are submitted by the Bureau of Research and Statistics to the Commissioner of Corrections (Department of Mental Hygiene and Corrections) and to the superintendents of the adult and juvenile institutions. Juvenile court and criminal court statistics are also reported.

While it may be illusory to expect that comparable data can ever be obtained from states whose programs are at least as diverse in scope and practice as these six, this possibility needs more exploration and development. It would be helpful, at least, to know to what extent probation and parole supervision is used in various states even though data for the nation as a whole may be impossible to obtain.

State Statistician in Research

Carefully designed statistical research is the only means by which some questions which badly need answers can be scientifically explored. This is one of the important roles of the correctional statistician. Some projects he can undertake himself; others need additional staff—which is usually either quite limited or not in existence. The correctional statistician, however, can also stimulate and aid research in the correctional field by cooperating with other professional people, both within and outside the state agency, who can carry out carefully designed projects. As has already been pointed out, one way in which a machine-tabulated statistical system can facilitate research is through rapid identification, by crucial variables, of samples of offenders. There are many other ways, of course, in which the correctional statistician can promote more and better research.

A research committee of our Corrections Division, composed of administrative and professional staff, has recently been exploring what research is needed and how each topic can be researched. We hope to develop a prospectus of research projects, both basic and applied, which will indicate priorities. The committee recognizes that University teaching staff and mature graduate students, particularly in sociology and social work, can use the resources of the state agency in research useful to the corrections administrator. The formal procedure that has been developed provides for clearance of each proposed project, its research design, and review of the project's findings by the Department's Bureau of Research and Statistics in consultation with the Division of Corrections. Two projects have been undertaken under this plan in the past year; more are anticipated in the future.

State Statistician in Administration

Considerable emphasis has been given to the importance of the correctional statistician in assembling reliable and useful corrections statistics. Of at least equal importance is his unique role as interpreter of the as-

sembled data; his interpretation ought to help the corrections administrator make the best possible decisions. There is a quite natural tendency for administrators to be selective in using data—choosing those figures which will justify a decision about to be made. The statistician carries the burden of making clear to the administrator which data are really significant, which are not, and, if risk is involved, making clear exactly what the calculated accuracy in the figures is. An administrator who fully understands these things about the data he uses is not likely to get into the position of the man who drowned while wading across a river which, he had been told, had an average depth of only six inches.

The role of statistics and the statistician in administration is being increasingly recognized. A statement which recently appeared in the *Journal of the American Statistical Association* declares: "We are on the threshold of an age when statistical decision-making is gaining in importance. There appears to be a partnership in the making between statistician and policy maker. Whether such a partnership will be lasting is not clear at the moment. The statistician, learning more and more about the institutional setting of the organization with which he is associated, may undergo a metamorphosis which might lead him into the policy making field. The executive may acquire more insight into statistical techniques. In any case, the need for closer ties between managerial ability and knowledge of statistical methodology is becoming increasingly apparent."[2]

[2] Werner Z. Hirsch, "Statistician and Policy Maker: A Partnership in the Making," March, 1956, p. 16.

Administrative Use of Institutional Statistics*

DANIEL GLASER
Associate Professor of Sociology, University of Illinois

PRISONS probably are the largest group of multimillion dollar businesses in the United States which operate without anything comparable to a profit-or-loss statement on over-all operation, without detailed cost-accounting for all departments, and without statistical quality control. Industries tabulate defects, the frequency of breakdowns, and other damage on various operations to get at the cause of failure or loss; prisons rarely have anything comparable to such detailed knowledge of the effectiveness of their treatments. Universities assess their programs by systematically surveying what happens to their alumni; prisons rarely do this. The Armed Forces check the effectiveness of their classification systems by statistically comparing the performance of military specialists assigned by different selection standards. Prisons usually rely on subjective impressions in appraising their classification programs, although it is well known that such impressions are biased by exceptional cases.

The inmate count, conducted several times daily as a check against escapes, is one type of statistical tabulation performed in all prisons. Movement of population summaries are also prepared periodically in nearly every prison, for inclusion in official reports. Because of the universality of these institution statistics, and their obvious utility, we shall not dwell on them here. They often are required by law, and probably are the most important type of statistics gathered in prisons. Our concern here is with new and different developments in prison statistics, some already compiled, and others contemplated.

Statistical Checks on Discipline

A very sensitive barometer of inmate morale, and a key to innumerable tensions and difficulties in an institution, can be obtained by compiling statistics on disciplinary infractions. A long term graph of total infractions per week or month gives a useful rough comparison of morale at a given time with morale in past periods. Where the inmate count varies greatly, these should be expressed as infractions per hundred inmates. Seasonal variations generally will be observed. Dr. Thomas A. Harris, Director of the Department of Public Institutions for the State of Washington, found that in the prisons of that state, for several years, infractions were highest between January 1 and April 15. This was ascribed to the absence of holidays, the shorter days, and the lack of athletic activities in this period. A comprehensive educational and recreational program in the evenings markedly reduced disciplinary difficulties.

At Terre Haute Penitentiary, Warden Donald M. Byington stresses

* Delivered at the Research and Planning Section, American Congress of Correction, Los Angeles, August 27, 1956.

the diagnostic value of detailed statistics on the sources of discipline infractions. In one instance where one work group was reporting a disproportionate number of infractions involving generally cooperative inmates, investigation revealed that instructions to the inmates had been "fuzzy." Thus the need to reorganize and clarify operations, so that everyone has a definite job which he clearly understands, may be indicated by statistics on discipline.

The officer with far more "insolence" reports than anyone else on the same job obviously should be investigated. He may have personality traits which make him unfit for his assignment, although he may be a good man on a tower or a gate. On the other hand, he may be an exceptionally zealous and conscientious officer in a tough situation, perhaps trying to command respect because he does not know how to *inspire* it there. Warden Byington reports that an abnormal number of insolence reports from one officer led to his being given special counseling by higher officials, with the result that he now "has had two promotions and handles inmates with great ease."

The officer who has a disproportionately low number of disciplinary reports for his assignments also may need to be investigated. The few reports may mean that he is doing an excellent job, or that he is ignorant of, or is overlooking, illicit inmate activities, perhaps because inmates are doing too much of his work for him. In the latter instance one frequently finds that the inmates running the assignment are protecting or exploiting their "good deal" by operating an informal "kangaroo court" or a "shakedown" in dealing with less favored inmates.

Usually disciplinary policy itself is based on statistical assumptions which never are put to a statistical test. Particular types of punishment generally are justified by the claim that they decrease the frequency of inmate misbehavior. Wherever different penalties have been imposed for particular types of infraction in the institution, it is well to tabulate the frequency of the infractions per hundred inmates on the same assignments, following each method of discipline. Sometimes the "tough" method reduces infractions, but sometimes other methods are more successful. Statistics on productivity and on man-days lost due to disciplinary action may be relevant in appraising punishment policies. Without statistics, officials are likely to gain subjective impressions of the effects of a punishment policy in accordance with their advance expectations or fears; statistical tabulation of the facts is necessary to determine whether these impressions are correct.

Statistical Checks on Achievement

At Terre Haute the use of standardized tests yielded statistical proof that a new method of teaching reading was increasing reading ability more in three months than a previous method had done in five months. Statistical analysis of standard test results also yielded clear proof in at least one case that an apparently well-qualified man was actually a "weak" teacher. Since education and vocational training have so often produced the most dramatic cases of individual rehabilitation in prison, every sound method of checking the effectiveness of training programs is worthwhile.

Trouble-shooting Statistics

Whenever a bottleneck or snag in prison operations arises which causes disgruntlement, it is likely that relevant statistics can help pinpoint the difficulty. When classification committee dockets got overloaded at Terre

Haute, a special study was made of the frequency with which cases came up for review. Attention was then given to the reasons why certain cases were appearing week after week. Many of the findings led to time-saving changes. Some cases reappeared because they had not been properly completed the first time, or because an adequate check in the files had not been made which would have revealed that action already had been taken. A tabulation of the seasonal trends in requests for transfer also was helpful; such periodic requests could therefore be anticipated and handled in an orderly fashion rather than by emergency "man grabbing."

Many prisons increase the efficiency of their classification and assignment operations by routinely maintaining a count of men under each custody category—maximum, medium, and minimum—with each of these categories further classified by occupational skill. When a call for a special detail occurs, or a new work project is considered, officials with such a chart know exactly how many men are eligible for it. Often this chart is maintained as a wallboard with removable letters and figures for easy revision. It may show the number of men in each custody classification on each assignment in the institution. In institutions concerned with maintaining a fairly consistent ratio of Negroes to whites, the ratio of races at each assignment may also be indicated on the chart.

If a facility, such as a library or a visiting room, is frequently overcrowded, a chart of daily and hourly usage will provide a basis for drafting regulations which will even out the load. Usually fuller benefit from the facility is achieved by granting extra privileges for its use during slack periods. Trend charts of population shifts over long periods, and trend charts on the use of special installations, like hospitals, also are invaluable in planning and justifying budget requests.

Opinion Polling

Prisons are democratic institutions only in the sense that ultimate control over them rests in democratically elected governors or legislators. Prison policy cannot be delegated to a majority decision of either the inmates or the staff. Nevertheless, there are many prison activities which are more effective if they are based on a statistical tabulation of the inmate or staff preferences. Many institutions have reduced inmate griping, or have at least redirected it from officials to fellow inmates, by polling inmates on recreational preferences, such as radio or television programs, and even on food preferences. Proportional representation of each preference usually promotes morale better than absolute rule of the majority when implementing poll findings.

Personnel policies and staff programs frequently evoke more enthusiasm if they reflect opinion polling. At the Federal Correctional Institution in Englewood, Colorado, in 1953, a proposal was made that each staff member serve as counselor to a few specified inmates. This proposal could be considered more adequately on the basis of statistics obtained from a poll of staff members on their reaction to the idea, and on such specific issues as whether the inmates should select their counselor. At the Federal Reformatory at El Reno, in the same year, appraising the effectiveness of a vocational training program was facilitated by distributing a lengthy questionnaire to all shop instructors, to be answered anonymously. A questionnaire on the effectiveness of Meritorious Awards to inmates was also circulated to officers

for their anonymous opinions. Not only may statistics on staff opinions be valuable to the warden, but the polling process provokes discussion and thought among the staff.

Criminal Career Statistics

Fifteen prison officials were recently questioned on the subject of needed statistical studies; the most frequently cited interest was in data on recidivism. Wardens want to know how many men utilize the training they are given in prison, what types of program are most closely associated with rehabilitation, and for what types of inmate. These are the big questions in corrections, and none of our answers ests on very adequate proof.

In states where almost all inmates leave prison by parole, an analysis of the factors related to parole violation is comparable to a recidivism study. As far as we know, the Minnesota Reformatory at St. Cloud is the only prison for which a study of the recidivism of all inmates has been conducted in recent years.[1] It revealed the startling fact that of those released from the institution in 1944–45, parolees were somewhat more likely to be rearrested in the next five years than were inmates released at expiration of sentence, although rearrests and convictions *for felonies* were less frequent among parolees than in the expiration group. Thus far only crude or small-scale studies have tested the effects of specific institution programs on recidivism. At El Reno Federal Reformatory in 1954, the postrelease behavior of thirty inmates participating in a "Release Assistance Plan" was compared with that of thirty inmates of similar criminal record who did not participate in the plan. Twenty-three of those in the plan had made a satisfactory adjustment, as against only fourteen satisfactorily adjusting who were not in the plan.

Any study of such complex problems as the effects of institution programs on recidivism should be carefully planned if it is to yield useful results. Such research requires careful statistical sampling, control groups matched in significant respects, and results analyzed by the most sophisticated mathematical techniques for coping with numerous variables. Most universities have sociologists, psychologists, and other specialists with statistical training and research experience who will be glad to serve as consultants in planning such studies.

An ideal study cannot be done by an institution alone. In order to deal more effectively with criminals, all persons in corrections need not *crime* statistics, but *criminal career* statistics. We need to know more about the course of criminality in the lifetime of individual persons of various prior behavior patterns, exposed to different types of treatment and experience. The task of accumulating such knowledge is one which will have to be shared by statisticians operating on all three levels distinguished in our program: the institution, the state, and the Federal Bureau of Prisons. Suggestive data may be acquired at any one of these levels, but a fuller picture requires coordinated research programs in which all of these agencies, and the FBI as well, work on the same cases, each collecting data which it is uniquely able to acquire. Only then will we begin to know which "pet" approaches to correction are rehabilitative in the long run, and for which cases.

[1] See Stanley B. Zuckerman, Alfred J. Barron, and Horace B. Whittier, "A Follow-up Study of Minnesota State Reformatory Inmates," *Journal of Criminal Law, Criminology and Police Science*, Jan.–Feb. 1953, pp. 622–636.

How Statistics Increase Appropriations

JOSEPH Y. CHENEY
Chairman, Florida Parole Commission

STATISTICS can increase appropriations!

Of course they have to be the right kinds of statistics and they have to be presented in a convincing manner to the right people at the right time.

What would you say if someone in authority asked you, as head of a probation and parole system: "If we agree to give you more money, how many people can you assure us will be placed on probation and not sent to prison? How many more can you release on parole? And *how much money do you need to do the job?*"

That's what the chairman of the Florida Senate Prison Committee asked the Florida Parole Commission in June, 1956.

We answered with statistics on past performances; we projected them into the future—and we got the money!

Sounds fantastic? Well, it *did* happen—but it didn't "just" happen.

Florida's History

Back of the question was a long chain of circumstances culminating in a prison riot on May 17, 1956. In this case, the riot turned out to be a good thing; at least it led to good results. Actually, the story began back in 1938, when the Florida Probation Association (later the Florida Probation and Parole Association) began working for a probation and parole system in Florida.

On the request of the governor, the National Probation Association sent a team to survey the situation. Out of its recommendations came the Florida Parole Commission, which began operation on October 7, 1941.

During the next fifteen years, the Commission operated with very limited appropriations. At each biennial session of the legislature, statements were made and facts presented to show how much money would be saved if additional funds were appropriated. Each time the answer was, "Your request is for too large a percentage of increase," or, "Your figures sound interesting, but the prison population continues to increase in spite of the activities of your Commission." In other words, the legislators did not buy the idea; and the people of Florida had not been completely sold on probation and parole either. However, at each biennnial legislative session more and more legislators indicated interest in our appeal—an indication that our message was gradually getting over to the public. One important way we used to get that message across was the annual report.

Each year our annual report has outlined the probation and parole program, giving statistics on the number of presentence investigations, the number placed on probation, the number released on parole, and the number under supervision, and showing in

tables such data as increases in caseloads.

Other methods—newspaper stories, talks before service clubs, etc.—were used wherever possible to "sell probation and parole."

At the same time, we kept a close watch on the prison population, which was increasing without a corresponding increase in facilities. In the 1955 statistical report, we stated:

> A very important and significant factor in the work of this Commission is the very rapid growth of Florida's population. This naturally brings an increase in the number of individuals who violate the law—and get caught.
>
> As an illustration, even though more persons were placed on probation, there were at the same time more sentenced to prison. The records of the Prison Division show that during 1955, a total of 2,105 were received at Raiford, which serves as a receiving center for all persons sentenced on felony charges. This was an increase of 40 per cent over the average for the previous four years.
>
> As a result, the prison population on December 31, 1955 was a record high of 4,829, with all institutions and road camps "bulging at the seams."
>
> Obviously, something must be done in the near future to take care of the further increases which are bound to follow the continual growth of Florida's population.
>
> We feel that the answer is not to build new prisons at great expense in both capital outlay and operational cost, but to increase the use of both probation and parole.
>
> This can be safely accomplished at only a fraction of the cost of new institutions. At the same time, the greatest saving of all would be not in money, but in helping men and women who, for one reason or another, violated the law, to become better citizens.

That report was released on May 7, 1956. On May 17, a group of prisoners staged a riot at the state prison which, with facilities for less than 1,600, had a population of 2,506.

After the riot, one of our supervisors pointed out, in a talk before a service club, what could be done to relieve the crowded conditions at the prison through increased use of probation and parole. He called this suggestion to the particular attention of the chairman of the Senate Prison Committee, who was looking for some good and workable plan.

The next week, the chairman called a meeting of his Committee, and invited members of the Parole Commission to attend. Then came the chance of a lifetime! We were asked specifically what we could do to relieve the congested situation at the prison, and *how much money we needed to do the job*!

Our immediate reply was that we could certainly relieve the crowded condition—in much less time that it takes to build new prisons, at about one-tenth the cost. We pointed out that by hiring additional probation and parole officers we could make more presentence investigations, with the result that more persons would be placed on probation and, therefore, *not be sent to prison.*

We pointed out that by speeding up our preparole investigations we could double the number of parole releases. (At that time, less than 22 per cent of the persons leaving prison did so by way of parole, whereas a conservative parole-release figure is around 40 or 45 per cent.) We pointed out that the speedup would require a considerable increase in our staff, but that the savings would more than pay for a larger appropriation—and would, at the same time, reduce the prison population.

We were then told to prepare a statement, with statistics to support our

claim, and to present it to the committee in ten days.

Up to that time we knew ourselves that our claims were justified, and we did have some figures—but none dramatically answered the question which had been put to us. We spent ten days of intensive study and analysis preparing a brochure. It was this brochure, which we titled "Saving Money and Men through Increased Use of Probation and Parole," which persuaded the Senate Prison Committee and the entire legislature that our appropriation should be granted.

Report to the Legislature

We opened the report with a four-page letter which expressed appreciation for the opportunity to present our proposal, and stated the purpose of the brochure—to show the basic conditions under which the Parole Commission, with the help of Florida's judges and prison officials, might be able to relieve overcrowding. We explained that in order to expand our operations, it would be necessary not merely to increase our staff in proportion to the anticipated additional number of probationers and parolees, but to increase it enough to reduce our caseloads. We pointed out that we have operated for many years with caseloads of from 125 to over 200 in some districts and that, according to recognized authorities in probation and parole work, caseloads should be about 50, with a maximum of 75 per man.

We gave in the letter the estimated cost of employing the proposed additional staff for the remaining ten months of the fiscal year. We also noted that a list describing where the proposed new supervisors would be located was attached.

We outlined the results of the proposed staff increases as follows:

With this enlarged organization, we believe that our supervisors can, during the balance of 1956 and through the calendar year 1957, make approximately 1,000 *additional* presentences for the courts of Florida. Based on our previous experience, we believe the courts of Florida will use our services to that extent if we have the men available for their use and, again basing our estimate on past records, we feel that this increased number of presentence investigations will result in approximately 186 additional persons being placed on probation instead of being sentenced to prison during the balance of 1956, and that 434 additional will likewise be given probation treatment in 1957, making a total of 620 who will not enter prison during that period. From that figure, we should deduct 10 per cent for violations, making a net total of 558.

In the parole field, we estimate that with the enlarged organization, we can release an additional 160 during the balance of 1956, as compared to 1955, and 400 more going out during 1957, for a total additional release of 560. From this figure we deduct 16 per cent for parole violations, leaving a net total of 470.

According to our estimates, if the additional funds are appropriated by the Special Session of the Legislature in 1956, there should be 346 fewer persons in the prison system on December 31, 1956, than will be under the present setup.

By December, 1957, we estimate that the impact of an enlarged program of the Florida Parole Commission will have lowered the total prison population from an estimated 6,098 to approximately 4,918, a reduction of 1,180.

The letter concluded as follows:

Gentlemen, we believe that our figures are very conservative, but we submit that *if the number estimated to be placed on probation and released on parole be cut in half, there will still be a saving of over $300,000 in maintenance costs only* and the greatest saving would still be in the additional prison facilities costing millions of dollars which *will not need to be built at this time.*

Finally, we submit that the real and greatest saving of all will be in the men and women who will be spared the stigma of having gone to prison and who, as a result of this program, will become better citizens.

Although the letter itself was convincing (at least to us) we realized that members of the Legislative Committee needed more vivid and dramatic presentation, so the brochure included the tabular data from which our predictions were drawn.

The tables, shown below, give figures for several years; 1956 and 1957 data are estimates, first on the basis of our then current staff, and second on the basis of the proposed enlarged staff.

TABLE 1

CRIMINAL CASES DISPOSED OF IN FLORIDA EXCLUDING THOSE NOT SENTENCED TO PRISON IN DADE AND DUVAL COUNTIES AND THOSE SENTENCED TO COUNTY CAMPS

	1952	1953	1954	1955	Present Staff		Proposed Staff	
					1956 Est.	1957 Est.	1956 Est.	1957 Est.
Placed on Probation	376	437	550	695	744	806	930	1240
Sentenced to Prison	1438	1453	1773	2105	2442	2816	2256	2382
Total Cases	1814	1890	2323	2800	3186	3622	3186	3622

TABLE 2

NUMBER PLACED ON PROBATION IN RELATION TO PRESENTENCE INVESTIGATIONS MADE BY FLORIDA PAROLE COMMISSION

Year	Number Investigations	Number Placed on Probation	Percentage
1950	561	383	68%
1951	562	414	73%
1952	638	376	58%
1953	811	437	54%
1954	964	550	57%
1955	1057	695	66%
1956	1200 (Est.)	744 (Est.)	62%
1957	1300 (Est.)	806 (Est.)	62%

NUMBER ESTIMATED IN 1956 AND 1957 WITH INCREASED STAFF

	Investigations	Placed on Probation	Increase
1956	1500	930	186
1957	2000	1240	434
Total Increase			620
Less 10% Violations			62
Net Increase in Number Placed on Probation			558

TABLE 3

NUMBER RELEASED ON PAROLE IN RELATION TO PREPAROLE INVESTIGATIONS MADE BY FLORIDA PAROLE COMMISSION

	Number Investigations	Parole Releases	Percentage
1954	919	313	35%
1955	1285	431	34%
1956 (Est.)	1600	540	34%
1957 (Est.)	1600	600	38%

NUMBER ESTIMATED IN 1956 AND 1957 WITH INCREASED STAFF

			Increase
1956	1800	700	160
1957	2200	1000	400
Total Increase			560
Less 16%			90
Net Increase in Number Released on Parole			470

TABLE 4

RELEASES FROM FLORIDA PRISON SYSTEM BY EXPIRATION AND PAROLE (NOT INCLUDING ESCAPES, DEATH, ETC.) AND THE ESTIMATED EFFECT OF INCREASING STAFF OF THE FLORIDA PAROLE COMMISSION

							With Increased Staff	
	1952	1953	1954	1955	Est. 1956	Est. 1957	Est. 1956	Est. 1957
Expiration	1027	1074	1038	1208	1350	1500	1350	1500
Parole	407	394	313	431	540	600	700	1000
Total	1434	1468	1351	1639	1890	2100	2050	2500
Commitments					2442	2816	2256	2382
Net *Increase* in Total Prison Population with Present Staff					552	716		
Net *Increase* in Total Prison Population with Increased Staff in 1956							206	
Net *Decrease* with Increased Staff in 1957								−118

TABLE 5

ESTIMATED TOTAL PRISON POPULATION

	With No Increase in Staff of Florida Parole Commission	With Suggested Increase in Staff of Florida Parole Commission
Population on 12/31/55	4830	4830
Commitments during 1956	2442	2256
Total in Prison during Year	7272	7086
Releases during Year by Expiration and Parole	1890	2050
Population on 12/31/56	5382	5036
Commitments during 1957	2816	2382
Total in Prison during Year	8198	7418
Releases during Year by Expiration and Parole	2100	2500
Population on 12/31/57	6098	4918
Estimated Reduction in *Total Prison Population* with Increased Staff of Florida Parole Commission	1180	

The brochure was mimeographed, and bound with a neat colored cover. A copy was sent to each member of the Senate Prison Committee (and later to each member of the House Prison Committee) in advance of the meeting called to receive our report.

Realizing that although most of the members would grasp the situation from the brochure, some would need further enlightenment, we prepared three large scale graphs.

Graph No. 1 showed:

1. Number of presentence investigations.
2. Number placed on probation.
3. Number committed to prison.

Graph No. 2 showed:

1. Total prison population, December 31, 1955.
2. Population of Raiford Prison, December 31, 1955.
3. Number released by expiration during year.
4. Number released by parole during year.

Graph No. 3 showed:

1. Total prison population, December 31, 1955.
2. Parolees under supervision December 31, 1955.
3. Probationers under supervision December 31, 1955.

Table 6

Allocation of Prison Population Estimates for December, 1956 and December, 1957 with Present Staff and with Increased Staff of Florida Parole Commission

	Actual from Prison Division Reports			Estimated			
				With present staff		With increased staff	
	12/31 1954	12/31 1955	4/30 1956	12/31 1956	12/31 1957	12/31 1956	12/31 1957
Total	4340	4830	5106	5382	6098	5036	4918
Apalachee Correctional Institution	199	230	228	350	550	350	550
Florida Correctional Institution	—	—	30	262	288	260	270
State Road Department	1591	1614	1659	1700	1700	1700	1700
Other	581	686	683	680	680	680	688
Raiford Prison	1969	2300	2506	2390	2880	2046	1700

Table 7

Suggested Emergency Budget for Florida Parole Commission for Remaining Ten Months of Fiscal Year 1956–57, Beginning September 1, 1956

1. Salary Appropriations, All New Positions:		
a. 17 Probation and Parole District Supervisors at $4,200 each per annum	$59,500.00	
b. 17 District Secretaries at $2,400 each per annum	34,000.00	
c. 2 Area Supervisors at $5,400 each per annum	9,000.00	
d. 2 Area Secretaries at $2,700 each per annum	4,500.00	
e. 2 Additional Secretaries in Central Office at $3,200 each per annum	5,333.33	
Total Salaries		$112,333.33
2. Necessary and Regular Expenses:		
a. Communication and Transportation	$ 2,500.00	
b. Printing	1,000.00	
c. Travel	19,400.00	
d. Utilities	100.00	
e. Other Contractual Services	500.00	
f. Office Material and Supplies	1,000.00	
g. Rent—New Offices and Additional Space in Present Offices	5,000.00	
h. Miscellaneous Expense	1,814.00	
Total Necessary and Regular Expenses		$ 31,314.00
3. Capital Outlay:		
a. Equipment for New and Present Offices	$11,400.00	
Total Capital Outlay		$ 11,400.00
Grand Total		$155,047.33

TABLE 8

NUMBER AND PERCENTAGE OF PAROLE RELEASES IN OTHER STATES, 1954[1]

National Average	54.6%
Northeastern States	75.9%
North Central States	66.0%
Western States	73.8%
Southern States	29.0%

Southern States

	Number	Per Cent of All Releases
South Atlantic		
Delaware	17	19.3
Maryland	806	22.9
District of Columbia	127	21.8
Virginia	756	42.2
West Virginia	693	75.7
North Carolina	371	30.5
South Carolina	41	4.9
Georgia	545	30.5
Florida	307	22.7
East South Central		
Kentucky	562	37.5
Tennessee	322	34.4
Alabama	488	16.9
Mississippi	131	22.6
West South Central		
Arkansas	416	61.3
Louisiana	440	45.6
Oklahoma	76	6.6
Texas	873	27.1

[1] *National Prisoner Statistics*, U. S. Bureau of Prisons.

Each of these graphs gave figures for 1952, 1953, 1954, and 1955; figures for 1956 and 1957 were estimated first for staff then employed, and second for the staff enlarged as proposed.

These graphs were quite impressive.

At the committee meeting, only a brief talk mentioning the facts presented in the brochure and graphs was necessary; the graphs were shown to committee members.

The statistics had "sold" the idea so conclusively that only a few minor questions were asked and the proposal was approved.

Two weeks later a special session of the legislature (called partly on account of the prison situation) passed the appropriation after a "two minute" session with the Appropriation Committee.

A clear and understandable presentation of statistics showing past, present, and probable future performance had induced the legislature to vote us a 60 per cent increase in our probation and parole staff.

Annual Reports

CLAIRE SOTNICK
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AS IN previous years, this review of annual reports constitutes only a passing glance at a few aspects of the contents of some reports of the 114 received between July 1, 1956 and May 30, 1957. Since this issue of the JOURNAL is concerned with statistics, however, much of the material in the reports is more relevant to discussions in other articles here.

In diversity of format, tone, and content—ranging from two- or three-page typed sheets to cloth-bound volumes, from fairly formal and legal language to more colloquial, chatty descriptions and an occasional case history, from simple enumerations to complicated correlations—they are much the same as last year's.

Some of these annual reports are extremely attractive in appearance. The report of the Juvenile Court of Hawaii, for instance, had a grey and black cover, a montage of newspaper clippings on juvenile delinquency; other reports (for example, the Juvenile Division of the Philadelphia Municipal Court and the California Youth Authority) contained colorful and easy-to-read graphic material. Most of the photographs used were good ones; some photos of staff members, though, were not.

Among the more unusual items were these: times and days of court hearings (Simcoe, Ont.); an ode to the court, commemorating an anniversary (Boston Juvenile Court); a diary of daily activities at a juvenile institution (Twin Pines Ranch, Riverside County, Calif.); a seven-page picture story of a juvenile's court contact from first court appearance to discharge from probation (Kanawha County, W. Va.).

One court—the Pima County (Ariz.) Juvenile Court—devoted a page to an "Explanation of Terms Used," a device which some other reports incorporated into their general introductions or discussions. In the Pima County report, the legal framework of the the court is explained nontechnically; the state's legal definition of "delinquent" is cited; the words "youth," "child," "juvenile" are explained as all referring to those under eighteen. The difference between "referral," "offense," and "case" is explained, as well as the relationship between these in the statistics. The report stated that:

> Each time a child is referred a new entry is made; and for this reason referral totals are larger than the actual number of children handled.

Aims and Attitudes

One of the striking differences among these reports is the variety of aims they serve. Some concentrate on explaining the court or department to the general reader; others describe their workload to adminstrators. Some do both. A succinct summary of aims is given in the Boston Juvenile Court Citizenship Training Group report:

To inform the public as to the problems of delinquency and the need of community action in the prevention and correction of this problem, and to conduct such research as may be necessary or desirable to achieve these ends ... [to give the Boston Juvenile Court and other courts and agencies] facilities and methods for the study and re-education of delinquent and maladjusted youth; to assist in creating [good attitudes in these youth].

Most reports were addressed to the governmental body to which they are responsible; a few addressed themselves in some such way as "To the Floyd County Board of Roads and Revenues and To Our Community" or "To the Citizens of East Baton Rouge Parish."

In explaining the court, probation department, or institution to the general reader, all but one report explicitly stating its philosophy disavowed punishment as a deterrent. Here are two examples:

A juvenile court is the tangible evidence of the concern of our country for the molding of good citizens out of those children who may for many reasons have acquired distorted ideas of the "good life." ... Not punishment but protection and rehabilitation are the objectives. (Pima County, Ariz., Juvenile Court.)

Reporting to the probation officer is never for the purpose of answering a roll call or reporting on one's activities. It is used rather as a counseling session. (Bibb County, Ga., Juvenile Court.)

The Honolulu Juvenile Court contained an interesting legal description of the juvenile court's aims:

A child, who cannot personally incur a civil debt because of legal inability to enter into a contract, cannot reasonably be held to incur a "debt to society" by the commission of a criminal act. Any effort, therefore, to exact payment of any such popularly fancied debt, by the familiar device of retributive punishment, must be regarded as a deprivation from the child of a substantial right under our laws. However, criminal acts by children cannot be disregarded, nor can the 'blame' be legally placed entirely upon the child's parents. The Juvenile Court exists not as an agency set up for the purpose of protecting children from the consequences of criminal acts, but to carry out society's concern that the offending child be helped, by whatever means are available, to modify his attitudes, to control his instinctual drives and impulses and to become a contributor to, rather than a debtor of, the community in which he will ultimately become either a valuable asset or an expensive liability.

Denver Juvenile Court Judge Philip Gilliam describes his workday as an introduction to the aims and activities of the court.

The letter which arrived with one report contained the following statement of objectives reached:

Enclosed is the annual report of Probation and Parole made to our Court and County Commissioners, and a summary of activities which we presented in an effort to secure additional help in the Franklin County [Penn.] Department of Corrections.

The Commissioners received the report graciously and unanimously voted to add one more officer.

Another report—that of the Essex County (Newark, N. J.) Probation Department—expressed its aim of cooperation with the county government:

Because of pressure of duties and a desire to cooperate with the Board of Chosen Freeholders in their desire to economize on the cost of printing, this report is restricted to an objective statement of work performed and a brief recital of office needs.

Many judges and probation officers acknowledged their debt to other community agencies in carrying out the purposes of the court. Several listed a range of special community services—speeches, representation at conferences and on interagency community boards and programs—performed by department members.

The Juvenile Court in Washington, D. C. was the only court which discussed in its report the question of press coverage of court sessions; the report noted that press attendance, permitted since January, 1955, has promoted public awareness of the Court's "needs and the community's inadequacies," and that "constructive, factual and unbiased press coverage has resulted in a sense of community responsibility for community ills." This court sends monthly statements on juvenile delinquency to various private, D. C., and federal agencies, as well as to the press.

The New York City Department of Corrections report carries eleven pages of reprinted newspaper stories on conditions in various city institutions in its 150-plus page report.

The annual report as a vehicle for bringing department needs into public view took various forms, depending on the particular court. Descriptions of shortages of personnel and uncomfortable physical settings for probation work were fairly common; some reports included among the statistics the number of field or office visits and miles traveled. Several reports—notably that of the Connecticut Juvenile Court—discussed the need for clinical services. The Connecticut report had an incisive analysis, "Concerning the Need for Clinical Services," which reviews misconceptions of the relationship between the court and the clinician.

Statistics and Research

An interesting distinction between "statistics" and "research" was made in the report of the Wisconsin Department of Public Welfare:

> Most operating agencies, whether public or private, require some internal organization of staff to carry on a program of continuous fact-finding (statistics) and to obtain answers if possible to specific questions or problems (research).

Few reports were explicit about the extent of "continuous fact-finding" conducted by the department. The Wisconsin department pointed out that juvenile courts in fifty-nine counties of the state (of a total of seventy-nine counties) have joined in reporting within four years, and that "when all juvenile courts in Wisconsin report, a more exact picture of the delinquency cases known to the courts will be available for study." The Department cosponsors reporting by juvenile law-enforcement agencies with the Wisconsin Juvenile Officers Association, a plan initiated in January, 1956, and, the report states, over 100 police and sheriff departments have already voluntarily joined in it; if all such agencies in the state were to report, Wisconsin would be first in the nation to provide a clear picture of the delinquency handled by its police. The report continues:

> Data on juveniles committed to juvenile correctional institutions are collected by the Department. In this area our knowledge of numbers of juveniles involved is quite complete and accurate.... Statistics should be useful and should be used. Even though incomplete, by pointing to rough trends the statistics suggest possibilities for research and planning in the area of delinquency. This can lead to ways of preventing delinquency and more resourcefully treating our youthful offenders.

Other departments agreed on the importance of statistics to administration, but some also emphasized the difference between numbers and individuals. The Maryland Probation and Parole Department report said:

> Statistics are often bothersome and dull, but they can give a real picture of the problem if they are fairly presented and studied.

The United States Bureau of Prisons report made a similar statement:

> The true story of prisons lies not in charts and statistics but in the tragedy and heartbreak they represent: to the prisoner, the wasted years that can never be recaptured; and to society, the loss of precious human resources and talent....
>
> Yet despite the impersonality of statistics, the sheer force of numbers is important administratively and financially.

The New Mexico Juvenile Information Program Report No. 4, "Detailed Characteristics of Children in Delinquency Cases Disposed of by New Mexico Juvenile Courts," referred to the need for fair presentation and study of statistics, in a section headed "The World of Fact is a World of Limitations":

> The information collected and released is a compromise between what is desirable and what is available. Therefore, it must be interpreted with caution. Unfortunately, some people are too quick to jump to conclusions when they find something startling in the reports. Failure to consider the data within the limits it is presented destroys the effectiveness of the tool. No data is preferable to data that is misinterpreted and so distorted. Thus, it is of the utmost importance that the limitations and meaning of the data presented be clearly understood.... It does not refer to all juvenile delinquent cases in those counties, as in some of them the police handle sizable numbers.... Therefore, the degree of completeness of coverage varies from county to county.... It is safe to compare the same county in different periods of time, but unreliable to compare one county with another because procedures differ markedly.

The reports gave evidence that even comparing the same county's data over a span of time is not always "safe"; among others, the Bibb County (Ga.) Juvenile Court report pointed out that the juvenile court law under which it operates has been "amended a number of times, particularly as to jurisdiction. There is, therefore, no accurate basis for comparison of present statistics with those of past years." In some counties, of course, a basis for comparison remains, and some counties did compare their current data with that for the previous year or longer periods—going back two years, five years, and as much as seventeen and eighteen years.

The shortest annual report of all those we received was that of the South Carolina Department of Public Welfare, which devoted one paragraph in a 66-page report to "Juvenile Delinquency." The statistics included the total number of children served in nine courts (forty-six counties in the state), the number delinquent, how many were boys and how many girls, and the number unofficially and the number officially disposed of.

Other reports, though not so summary in their treatment of the court or department, contained statistics which would not serve to enlighten either the legislator, the citizen interested in the court's service, or the administrator planning better future services. One, for instance, gave figures on probation and parole granted and revoked for one fiscal year, and compared these to a seventeen-year total in which the current figures were included. Any

reader interested in discovering trends in the state could do some arithmetic and come up with an average for the seventeen years, but beyond this the uninitiated could not go. In breaking down "Paroles Considered" and "Paroles Denied" by counties for the year, this report also gave figures different from those on these two activities on another page of the report, but made no explanation of the difference.

In another report, the results of a study were given in rather confusing form, because the total number of cases involved—270—was omitted from each category discussed:

> Unsatisfactory home conditions exerted a negative influence. 108 [of 270] offenders were from homes broken by death, or by divorce or separation. The fathers of 47 [of 270] were criminals or had criminal histories. The mothers of 9 [of 270] were or had been criminals. The father was a heavy drinker in 97 [of 270] cases, while 24 [of 270] mothers were drunkards. Stepparents figured in the lot of 39 [of 270] offenders.... Use of alcohol was admitted by 213 offenders. Only 8 were nonusers.... Some indicated causes of crime were personal gain, 111; need, 21; influence of associates, 52; environment, 11. Gross intoxication was a major factor in 59 instances, although there was some drinking in 96 crimes.

A third sort of confusion arising from unclear presentation is exemplified by this table on one characteristic of all children committed to a state department of institutions during the reporting year:

Domestic Conditions before Commitment	
Had lost father	5
Had lost mother	5
Had lost both father and mother	0
Parents had separated	31
Illegitimate	8

The total, not given in the table, is 49; total number of commitments was 83. The 34 children not accounted for on this table of domestic conditions might conceivably have been "living with both own parents," a status which usually appeared in other reports giving such data; the fact that some unlisted "domestic condition" may have existed in as many, or nearly as many, cases as in the listed category with the highest number of children in it—"Parents had separated"'—makes this table a misleading one. This same report states that the designation "delinquent" ought to be discarded in favor of "dependent or neglected" by statute.

Explanations of statistical artifacts like the following, from the Ohio Correctional Statistics report, were somewhat rare in the annual reports we scanned:

> The offense with the highest percentage [of penitentiary prisoners] under 30 years was first degree murder, followed by second degree murder. This is probably due to the fact that males convicted of murder must be sent to the penitentiary regardless of age while those under 30 years of age convicted of lesser crimes can be sent to the men's reformatory.

Research Plans and Reports

Perhaps fifteen reports explicitly mentioned the need for research as integral to correctional administration, among them the reports of the Texas Youth Development Council, the Boston Juvenile Court Citizenship Training Group, the United States Bureau of Prisons, and the Washington Board of Prison Terms and Paroles.

Some reports included descriptions of planned or completed research projects.

The California Youth Authority departmental research committee established a Standard Nomenclature Committee which at the time the annual report was published had been put into experimental use. The research com-

mittee has also conducted a time study of parole officers.

The United States Board of Parole has completed the first of its three-part study of the youth offender, an "analytic look at persons received and sentenced under the Youth Corrections Act during the fiscal year 1955" (see p. 306). The second part, being formulated at the time of publication of the annual report, will deal with the institutional process of treatment and training of the youth offender, studying the environmental forces in the institution, the individual's adjustment to the program, and the length of time he is institutionalized. The third part will deal with the parolee's success or failure in adjusting to various community and family conditions, and will be based on the semiannual progress reports used by probation officers.

The Washington Board of Prison Terms and Paroles outlined these questions as the basis for future research:

> Which inmates can best benefit by parole and at what time?
>
> Are there certain types of parolees who can be placed on minimum parole supervision shortly after release with no danger to society and thus free parole officers for supervision of more difficult cases?
>
> Would new forms of treatment on parole, such as group therapy, enable more parolees to succeed?
>
> What factors are the most important in terms of effective parole planning?

The Honolulu Juvenile Court report describes the results of a study undertaken by the court referee to discover "(A) injurious environmental factors commonly associated with delinquency, (B) personal inadequacies reflected by the children studied; (C) personal strengths reflected by the children studied; and (D) the proper treatment emphasis in individual cases, as conditioned by A, B, and C." The same group will be restudied later.

The probation department of Jackson County (Kansas City), Mo., examined social disorganization as described by Durkheim and Lander among those coming under its jurisdiction by bringing together data on the percentage of unrelated individuals living with families, the amount of schooling, the residential mobility, income, and percentage of rooms occupied by more than one person among the sample.

Four projects are described in the annual report of the New York City Department of Corrections. The first was concerned with the behavior dynamics of adolescent delinquents; the opportunities and limits of effective counseling in a presentence setting; methods of coordinating treatment and custody in the institution; the development of an effective separation program among 16-to-20-year olds in the presentence setting. The second study aimed to identify similar and nonsimilar characteristics among 16-to-20-year-old recidivists, including age, I.Q., group involvement, type and number of prior offenses, social severity of offense, and category of offense. The third project is to analyse reports of infractions in an institution. The fourth is to concentrate on means of more effective prevention and treatment.

Group discussion among seven offenders and a statistical study of the total number of juveniles guilty of auto theft were combined by the Ramsey County (St. Paul) Probation Department to learn more about juvenile auto theft. The discussions among the seven offenders centered on how each viewed his offense and what his motives were.

Offenses

Burglary, stealing, or theft almost invariably led the lists of kinds of

offenses committed; many juvenile courts reported traffic offenses as the largest or second largest sort of delinquency. The Boston Juvenile Court reported that stealing accounts for 60 per cent of all offenses coming into court. The Essex County (N. J.) Probation Department stated that the most frequent offense among males (from sixteen up) was larceny; burglary and possessing firearms followed in that order.

Several departments pointed out that there had been no referrals during the reporting year for narcotics offenses. Napa County, Calif., and the Boston Juvenile Court were among these. The Newark report stated that narcotics offenses in its jurisdiction have gone down markedly since 1950, and attributed this achievement to "vigorous law enforcement." "Users," rather than addicts, the report states, are most common among those who were referred for such offenses in Essex County.

One juvenile court judge (in Floyd County, Fla.) emphasized the importance of dependency cases in the work of the juvenile court:

> Juvenile delinquency is much in the headlines today; dependency is of equal, if not greater significance in terms of needs and values. Special effort is being made by your court to provide as far as possible homes for children who stand in need of them.

Many juvenile courts reported concern for the large number of traffic infractions; for instance, Riverside County (Calif.) reported that 932 of 1,755 juveniles referred to the court were traffic offenders, an increase of 100 per cent over the previous year. Some courts reported handling their increased number of traffic offenders informally, without a juvenile court appearance. Michigan Juvenile Court, for instance, handled less than 1 per cent of all traffic cases officially.

In Pima County (Tucson), Ariz., 51.3 per cent of all youngsters handled by the probation department were traffic violators. The report points out that "For many reasons traffic cannot be considered a separate type divorced from other delinquencies. The crossover from traffic to other delinquencies is too easy and too general to permit isolation."

A Montgomery County (Md.) Probation Department study of traffic violators led to the conclusion that there is little relationship between traffic violators and a behavior pattern which is characteristically set against obeying traffic laws. This study is being extended to include the relationship between juvenile behavior cases and subsequent traffic violations.

Among offenses catalogued in the reports are some amusing ones. Five boys and nine girls in the Boston Juvenile Court Jurisdiction were "stubborn" during 1955, a drop from 1954 mulishness which other communities might very well wish to emulate by fair means or foul. In Maryland, one person was guilty of "Utterings" (this is legally akin to forgery, but legal definition or no it is reminiscent of many offenders we have personally encountered). In Maryland also there is something called a "Disorderly course of life." Honolulu lists "Malicious Conversions," which refer not to religious conviction but to the taking of property and putting it to one's own use. Hibbing (Minn.) keeps a tight rein on "Making Malicious Remarks" and is also wary of the act of "Keeping seventeen year old girl out late nights." The Iowa Board of Parole has to deal with "Unlawful Processing of Garbage."

No report analysed the kinds of offenses for which persons are put on

probation or parole, although the percentage of delinquents committed or given probation was a fairly common statistic.

Causes of Delinquency and Crime

Many reports included statements on the causes of delinquency or crime; some analysed the department's statistics.

Political, social, economic, and psychological reasons were offered for delinquency and crime, sometimes in conjunction, sometimes isolated. The advent of war and peace, high-speed living, "feverish drives for fast bucks or borderline financial ethics," "lack of parental supervision ... and the widespread indifference of the public to the protection of children in chaotic times" were some explanations offered.

A different attitude toward causality and research is stated in the New Mexico Report, as follows:

> There is no section on the card where one could check a box headed "I am mad at the world because I do not get what I want," or "My father is an alcoholic and my mother a prostitute, so what can you expect of me," or "I come from an underprivileged area," or "My parents do not love me," or "I am afraid and unhappy," and so on, ad infinitum. We know from our examination of marital status that instability in the home is a factor, yet there are children who reach adulthood not having anyone they can call mother or father and still become worthwhile citizens.... Another thing to be pointed out here is that unless delinquency is adequately defined, the structure of research into its cause is without a foundation.... What we do know is that there is *no one* factor responsible and to be aware of this is really a step forward.... There is a myriad of causes, but not the same ones for every child.... In the majority of cases, common causes can be found, but not common combinations.... Each child must be treated as an individual.

Data on characteristics of delinquents were rarely comparable between one report and another.

The United States Board of Parole summarizes the first part of its youth offender study by drawing a picture of the average youth offender:

> Native born male, 18–20, fairly normal intelligence, usually has completed the sixth grade but has not gone beyond the tenth grade; has worked unsteadily, in unskilled jobs in urban areas. He has usually been arrested two to four times, been on probation one to four times, has committed one or more crimes ... usually auto theft, either alone or in company with one other person.

Economic condition in home.—This picture of undereducated, economically insecure young adult offenders is different in several respects from that given by other reports. The Newark Juvenile Court reports:

> From time to time statements are made or speculations indulged in regarding the financial situation of families in which juvenile delinquents reside. In fact, statements are occasionally made asserting that economic deprivation in such families is gain some up-to-date information the the real cause of delinquency. In order to court studied the family income of unemployed juveniles.

The court found that the largest single group of juveniles studied came from homes with an income of $91 or over per week, the highest income group in the study. Most fell above $51–60 per week income.

The Tulsa Juvenile Court report stated that although no statistical study of personality types of delinquents had been made at the court, there is "one particular type ... fairly common among juvenile offenders who come principally from financially secure homes." This report devotes five pages to a typical case history of this

type of delinquent, who is subject to unusually high demands from his home and from himself, and who erupts in hidden rebellion against these demands.

The Dubuque (Iowa) Probation Department reported that over 50 per cent of its delinquents came from homes where the economic status of parents was classified as comfortable, the number of these being two-and-a-half times larger than the eighteen-year average for the same characteristic. The number of delinquents from the lowest economic level, those on relief or dependent, was the same as the eighteen year average.

Unemployment.—This characteristic, one of those of the average youth offender as mirrored in the United States Board of Parole study, was also found by the Kanawha County (W. Va.) Probation Department to be present as "the rule" at the time the offense was committed among 270 cases studied. In another study of revocations of probation, this department found that 64 of 105 probationers were unemployed at the time of the infraction resulting in revocation.

Rural-urban living.—Two annual reports, Ohio Juvenile Court Statistics and that of the Texas Youth Development Council, included the suggestion that the rate of delinquency in rural areas is growing faster than the rate in urban areas.

Sex differences.—The national ratio of referrals of children to juvenile courts is five boys to one girl, a ratio repeated closely in many reports. Many reports contained comparisons of the kinds of offenses committed by boys and by girls. The Texas Youth Development Council reported that for boys, stealing and disobedience, in that order, are the most frequent offenses; for girls, the order was reversed. The annual report of the Pima County (Tucson, Ariz.) Juvenile Court offered this explanation of the difference in the rate of delinquency between boys and girls:

> Girls do not repeat as often as boys. . . . However, the mere number of girls involved in offenses and in repetition of offenses is not a positive proof that girls are less delinquent than boys. The type of misconduct that boys are caught in is more likely to be violent, public, and in places where law enforcing agencies find them quicker. Further, girls have long been protected in some degree by a public ethical idea which prevents harsh judgment and referral for any but most drastic behavior, often with boys.

There was a provocative difference in the way one report referred to the two sexes. The Franklin County, Pa., Department of Corrections referred not to the usual "Men" and "Women" on parole or probation, but instead to "Men" and "Ladies."

Domestic conditions.—The Simcoe County, Ontario, report quoted with approval this statement on the home life of delinquents: "A broken home is not the main source of delinquency. Homes which are on the verge of breaking are the greater problem." Statistics in other reports generally showed that a good proportion of delinquents came from homes which were "unbroken"; the Texas Youth Development Council reported that approximately one-third of the committed children's parents were married and living together. York County (Pa.) Juvenile Court reported that more than half the children were with both parents when referred. The Atlanta department reported that a little less than half the children when referred were with both parents.

Rates

As in the past, all reports did not speak of the rate of delinquency, but

instead discussed only the number of referrals to the court, without reference to population. Where rates were given, they were sometimes given in terms of general population, sometimes in terms of child population.

One of the impressions gained from these reports is that although most courts are experiencing a rise in referrals, the rate of delinquency is fairly stable, or, more rarely, lower than in prior years.

Two courts reported a decrease in referrals. The Michigan juvenile court report states that "It is a slight change, but after years of increases ... it is gratifying." The Wisconsin Department of Public Welfare reported a decrease of 1 per cent in juvenile delinquency for the forty-nine courts reporting in both 1954 and 1955.

Among those departments recording a fairly stable rate, the Denver Juvenile Court computes the percentage of children before the court as fairly constant, at "fewer than 2 per cent" for the period 1941–1955, and says that "This figure is most unusual in view of the fact that the rate of delinquency has doubled in other cities in the past fifteen years." The Toledo Juvenile Court reports that:

> For four consecutives years we have seen a decrease in the rate of delinquency—and at a time when many other large communities were showing an increase. In 1955 our rate hit an all time low at 17.7 per 1,000 of child population (1.7 per cent).
>
> What has brought about this decrease? There is no single answer.... An increasing awareness of the problem of youth behavior and the need for more control and supervision.... Public attention directed toward the problem in the daily press and through congressional hearings has helped. The contribution to better child care as made by many public and private social welfare organizations has been a factor. Children themselves are taking an increased interest in the behavior of their friends and classmates and have established some controls of their own....
>
> Aggressive and competent police work by the Crime Prevention Bureau of the Toledo Police Department and the Juvenile Division of the Sheriff's office have been effective in controlling overt offenders. This combined with effective control and corrective measures applied by the Juvenile Court have helped to reach those who were not reached through the usual training and prevention programs of the home, school, church, and community.

Striking a soberly optimistic note on the matter of almost universal increases in population and the prospect of increased numbers of delinquents, the Connecticut Juvenile Court report said:

> It is reasonable to suppose that the present increase is explained in part by the sheer weight of the increased numbers of children now reaching their adolescent years ... it need not be accepted as inevitable that the percentage of increase in delinquency will continue each year to match the percentage of increase in the children's population in the state. To forestall effectively any such unpalatable eventuality, it is important to acknowledge that we cannot adequately meet the needs of the children who will be resident in this state in the years immediately ahead without a substantial and necessarily costly increase in virtually every facility or service utilized by or for children.

Recidivism

Two of the difficulties involved in data on offenders who repeat are stated in the Maryland Department of Corrections report:

> Any statistical data concerning recidivism must be interpreted with extreme caution, since they inevitably have serious limitations. Furthermore, the concept "recidivism" is subject to varying interpretations from one jurisdiction to another. These considerations suggest the dangers

involved when data on this subject are used in refined analysis, and, particularly, for comparative purposes.

Two of the "varying interpretations" are illustrated in the following excerpt from the Washington Board of Prison Terms and Paroles report, which also suggests some of the "serious limitations" on recidivism data:

> Excluding those reinstated on parole, a total of 3,033 individuals were under active parole supervision during the 21-month reporting period. During that same period 163 parolees or 5.3 per cent were returned to prison upon conviction of a felony and 379 parolees or 12.4 per cent were returned for violation of parole rules. The total returned was therefore 17.7 per cent. Another comparison for the same data can be made by computing the ratio of the number released on parole and the number of parole violators received at prison during the time interval. During the reporting period 1,575 were paroled from the penitentiary and the reformatory. The ratios of those received as parole violators during the same period is 10.3 per cent of new commitments and 24.0 per cent for parole violation. The total returned by this computation is 34.3 per cent.
>
> Neither of the methods of measurement described above is satisfactory. They both fail to measure the kind of parolee returned and they can be affected by many statistical factors which are not shown. A suggested method of measuring parole violation rates would be one in which the characteristics of the parolees were specified and all persons paroled during a given period of time would be followed up some five or more years later in order to determine the final outcome. Unfortunately the board has not been provided with funds for research personnel who could undertake such a study.
>
> These [probation] figures [14.3 per cent of the total number granted probation in the 21-month period of the report revoked; 6.2 per cent of total number supervised within that period revoked] may be contrasted with the 34.3 per cent which were similarly computed for parolees returned to prison. The same problem of unsatisfactory measurement mentioned with respect to parolees returned to prison obtains here.... The need for research to examine differences between parole and probation revocation rates is again evident.

Reports Received

CITY AND COUNTY

Arizona

Tucson, Pima County Juvenile Court and Probation Department, 1955–1956

California

Fresno, Fresno County Probation Office, 1955, 1956
Los Angeles, Los Angeles County Probation Committee, 1955
Napa, Napa County Probation Department, 1955
Oakland, Alameda County Probation Department, 1956
Riverside, Riverside County Probation Department, 1955
San Francisco (city and county) Juvenile Court Youth Guidance Center, 1956

Colorado

Denver, Denver Juvenile Court, 1955

District of Columbia

Juvenile Court of the District of Columbia, 1955–1956

Georgia

Atlanta, Fulton County Juvenile Court, 1956
Macon, Bibb County Juvenile Court, 1955
Rome, Floyd County Juvenile Court, 1956

Illinois

Chicago, Cook County Family Court and Arthur J. Audy Home for Children, 1955

Iowa

Dubuque, Dubuque County Juvenile Division of District Court Probation Office, 1956

Louisiana

Baton Rouge, Parish of East Baton Rouge Family Court, 1955

Maine

Alfred, York County Financial Statement, 1955
Auburn, Androscoggin County Financial Statement, 1955

Maryland

Baltimore City Supreme Bench, Domestic Relations Division, 1956
Baltimore City Circuit Court, Division for Juvenile Causes, 1956
Hagerstown, Washington County Saturday Citizenship Training Program, Juvenile Court, 1955–1956
Rockville, Montgomery County Juvenile Court, 1954

Massachusetts

Boston, Boston Juvenile Court, 1954–1956
Boston, Boston Citizenship Training Group Affiliated with the Boston Juvenile Court, 1956

Minnesota

Hibbing, St. Louis County Probation Office, 1955
St. Paul, Ramsey County Probation Department, 1956

Missouri

Kansas City, Jackson County Juvenile Court, 1955
St. Louis, St. Louis City Courts Parole and Probation Department, 1955–1956

Montana

Conrad, Ninth Judicial District Court, Juvenile Department, 1954–1955; 1955–1956

New Jersey

Hackensack, Bergen County Probation Office, 1956
Newark, Essex County Probation Office, 1955
Paterson, Passaic County Probation Department, 1956
Trenton, Mercer County Probation Office, 1956
Woodbury, Gloucester County Probation Department, 1955–1956

New York

New York City, Court of Special Sessions, 1956
New York City, Department of Corrections, 1955
New York City, Domestic Relations Court, 1956
New York County Court of General Sessions Probation Department, 1956
Rochester City Court, Criminal Branch, Probation Department, 1956
Rochester, Monroe County Children's Court, 1955
Syracuse, Onondaga County Children's Court, 1956

Ohio

Cleveland, Cuyahoga County Juvenile Court, 1956
Cleveland, Municipal Court Probation Department, 1955
Springfield, Municipal Court, 1956
Toledo, Department of Public Safety, Division of Police, 1955
Toledo, Lucas County Family Court Center, 1955
Zanesville, Muskingum County Juvenile Court, 1956

Oklahoma

Tulsa, Tulsa County Juvenile Court, 1955–1956

Pennsylvania

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[*Annual reports should be forwarded to NPPA's New York headquarters, 1790 Broadway, New York 19, New York.*]

Letters to the Editor

North Carolina Probation Department

June 15, 1957

TO THE EDITOR:

We who are engaged in probation and parole work read and hear a great deal about suitable standards for our work and the necessary qualifications of those who are engaged in it. The article by Norris Class in the April issue of the NPPA JOURNAL is a recent example, and it has prompted me to the following reflections on the general problem and on North Carolina's attempts to solve it.

Some of us are at times confused—probably more so by standards than by qualifications. It is of course necessary and proper that any agency attempting to do probation or parole work should establish for its workers some sort of standard qualifications. There should also be standards of improvement for the worker who meets minimum qualifications, to keep him from quitting once he has reached that "absolutely necessary" minimum level.

Our dictionary defines "standard" as "that which is set up and established by authority as a rule for the measure of quantity, weight, extent, value, or quality." Or we may use another definition: "That which is established by authority, custom, or general consent as a model or example." Both definitions make clear that those in authority are thereby responsible for setting standards and determining qualifications.

We who fix standards and qualifications have to deal with some hard questions: Are we qualified to determine whether our standards are being met? De we merely hope that the job is being done, or do we really know that it is? Do our requirements give us the best available personnel?

Qualifications for probation or parole officers differ in various states, but the minimum is almost universal—a college degree with specialization in psychology, sociology, or an allied field and some experience in social casework. But don't we usually stop there because those qualifications are so easy to determine? A diploma and a few letters of endorsement will furnish proof. When we get the work and the worker together, however, we are compelled to admit that we must have something more than we have specified in our qualifications. No one would deny that education and experience are invaluable in any work to which one puts his head and hand. But where in our qualifications have we devised any method of discovering whether the applicant has even a modicum of gumption, ordinary common sense, reasonable tact, or normal intuition and enterprise? How can we know whether the applicant has energy and ambition, or is just plain lazy?—for if he is, all his fine qualities are neutralized. The worker who is alive with energy and ambition and is thus determined to learn is of more value than another who has all other qualifications but is too lazy and indifferent to put what he knows into use. More failures in our work are due to laziness and indifference than to lack of education or experience.

We are frank to confess that we have never been able to find any way of telling beforehand how a person will de-

velop as a probation officer. Thorough investigation sometimes makes the applicant appear desirable or undesirable; but until he is put to the test of actual performance, he remains a "pig in a poke." So no matter what qualifications we put on paper, we can be sure than an officer qualifies only after we see his work. From this we conclude that constant supervision, applied to all employees alike, is absolutely necessary.

To determine whether our officers are meeting the required standards, we have devised a grading system, borrowed from industry and modified to meet our particular needs. We use two kinds of gradings. One is by administrative personnel—the officer's supervisor, the director, the assistant director, and others—and concerns itself with the officer's skill in supervising offenders. The other is by judges with whom the probation officer works, and is concerned with the officer's performance in the court. More than one judge will grade an officer in any given grading period, since North Carolina has a rotation system of judges.

Our judges do not appoint probation officers, nor has any judge in the state ever tried to exert pressure for the employment of an officer. Therefore, although the probation officer is an officer of the court, he is not beholden in any way to any judge except in his duty of giving the court the best possible service. He is responsible only to the Probation Commission, and so is as independent in his sphere as is the judge in his.

The judge feels free, then, to appraise the work of the officer when requested to do so. The appraisal includes many things—from dress and appearance to the preparation and presentation of official papers. The judge answers these questions: Is the officer prompt and regular in attendance in court? Does the judge know where the officer can be found when the officer is out of court? Does he have the confidence and respect of the judge and other court officials? Are his presentence reports thorough, helpful, and properly submitted, or haphazard and insufficient in content? Is the officer unduly influenced either by friends and attorneys of defendants, or by arresting officers or prosecuting attorneys? In making a recommendation to the court, does he have substantiating facts at hand, and is he forthright in making the recommendation? Or are his recommendations "partly yes and partly no"? In cases of probation violation, is his evidence unbiased, or does it habitually magnify or minimize the violations? Are the orders drawn by the officer prepared and worded in accord with law? Would they stand up in a test case before a higher court?

A judge who works with a probation officer can answer these questions far better than a supervisor. Of course, in our interviews with the judges, we try to allow for any evident personal likes or prejudices. Judges readily admit that they too are human.

Ratings by administrators deal primarily with the officer's supervision of offenders. He is graded on five factors —quality of performance, volume of work, cooperation, dependability, and job knowledge; for each of these, he gets a numerical rating of "1"—marginal performance only; "2"—meets minimum requirements; "3"—performs creditably; "4"—meets department standards; or "5"—exceeds department standards. If he is rated "5" on each factor, he will receive a grading of 100 per cent.

The officer's rating on volume of work is not necessarily determined by caseload, but by the amount of work

he does with the load he has. Some allowance for quality must be made where the volume is excessive.

The officer is graded on over-all cooperativeness in terms of these questions: Is he inclined to be uncooperative and sometimes antagonistic? Is he unfriendly? Does he show respect for and consideration of the rights and problems of others? Does he like to work with others? Does he seek, tactfully and diplomatically, to get others to cooperate in carrying out the established policies and procedures of the department? Is he a team worker?

Dependability is rated in terms of these questions: Is he on the job regularly and on time? Do his narratives of supervision give a true picture of what he is doing, or is he inclined to make himeslf look good? Does he want to get by with a minimum of work? Does he neglect details? Is he persistent in getting the job done? Does he meet his appointments regularly and on time? Will he take the initiative or must he be prodded into action? Is his job done enthusiastically, or is he halfhearted about his work?

For the job knowledge rating, we attempt to learn whether the officer's understanding of his work is limited to simple routine duties. Does he understand work related to his own but not part of it? Or has he mastered the details and responsibilities of his own and related work, so that he gets the job done? Is he good at certain phases of his work, lacking in others, or does he have adequate knowledge and understanding to perform properly all the duties required? Does he understand the real purpose of probation, and can he center his energies on accomplishing that purpose?

After the officer is graded, each item is gone over with him. He is told exactly why he is graded as he is. His faults are pointed out to him and suggestions for improvement are made; or he is commended and praised. He knows his grade rating and knows exactly why the grade is assigned.

Our state provides for salary increases on merit. We believe that increases should be paid only for merit—not for length of service, personality traits, or the personal sympathies, antipathies, whims, or fancies of the employer. Our grading system enables us to determine who shall receive merit increments and promotions; it allows us a good conscience, and lets the man who does not receive an increment know exactly why we have not granted it.

We do not claim to have all the answers; but we are working on the problem. We have not found a formula for being sure of what we've got in a probation officer until we've tried him. We are trying to find out what we have after we get him and we are trying to improve him. We believe that the work is worthy of the finest people who can be persuaded or enticed into it. Pay scales are too low for the kind of person we need; on the other hand, he who works for his wage alone is usually paid too much. He who works for the love of it and the possibilities before him will never be paid what he is worth in the coin of any realm unless it be that of the Kingdom of Heaven.

J. D. BEATY
Director, North Carolina Probation Department

The Question Box

Action by Parole Board When Parolee Faces a New Criminal Charge

In response to inquiry from a parole department, the members of the NPPA Advisory Council on Parole were asked to comment on the policies of parole boards upon receiving information that a parolee has been charged with a new offense. Their statements follow:

George J. Reed, Chairman, Youth Correction Division, U.S. Board of Parole:

It is our policy to issue a warrant with instructions to the local United States marshal not to execute it pending disposition of local charges. In this way the parolee can make bail on the local charge, and the warrant is available in the event the defendant admits guilt or is referred by the local authorities to the federal authorities on our warrant. This policy avoids delay in issuing a warrant and, after local charges have been cleared, allows the Board to make a decision on the merits of the case. This occasionally results in recall of the warrant and reinstatement of the parolee to supervision.

L. B. Stephens, Executive Director, Board of Pardons and Paroles, Alabama:

The Parole Board in Alabama and in practically all states in this area is not required by law to return a parolee to prison when he has been charged with a new offense. The Alabama Appellate Court has held that "the Board may return a parolee at its uncontrolled discretion for reasons satisfactory to itself or for no reason at all."

In this state before the Board takes any action to declare a parolee delinquent, the parole supervisor makes a full investigation of the alleged offense. If the investigation indicates a strong probability that the parolee is guilty as charged, or if there are other delinquencies in connection with the alleged offense, the parolee is returned to prison and is given a revocation hearing by the Board. If there is grave doubt as to the parolee's guilt, or if there are mitigating or unusual circumstances surrounding the alleged offense, the parolee is allowed to make bond on the new charge and the Board's action declaring him delinquent is withheld until the disposition of the new offense.

In some states it is mandatory to return a parolee when he is charged with a new offense. We doubt the wisdom of such legislation.

Fred Finsley, Chairman, California Adult Authority:

For many years, it was the practice in California to suspend the parole upon information that a new charge was pending. This policy was unrealistic and in violation of the parolee's rights in certain instances. Our current procedure is to make a further investigation and interview the parolee. If there is no question as to his guilt and he has admitted it, or if there are grounds other than the charges pending, we suspend the parole. On the other hand, if our parolee denies the charge and we do not have any grounds independent of the charges pending, we delay our action until after the trial. Exception to this rule is made where the charge is a serious one and the parole would expire prior to the trial date; in that instance, we suspend the parole for our own protection. In some cases where the charge is not serious, we permit the parole to expire.

The Chief of the Division of Adult Paroles determines whether the man should be permitted to be released on bail. This does not occur very often, but our rules are flexible enough to take care of the

matter when the case seems to demand such treatment.

Francis R. Bridges, Jr., Commissioner, Florida Parole Commission:

It is our practice to file detainer warrants against individuals where there is no question concerning guilt in order to protect the status of parole in the community. However, before warrants are issued, careful investigations are made.

Harvey L. Long, Executive Secretary, Illinois Youth Commission:

Issuing a violation warrant upon a parolee charged with a new felony is common practice. In Illinois this provision has been waived in very few instances. Up to 1953, I knew of only three instances of lifting a warrant to allow a parolee to make bond. Since parole is a matter of grace, and not one of right, the individual is not deprived of rights in the ordinary sense. The lawyer might well complain if, after the warrant is issued, there is not a reasonably prompt opportunity to have a hearing on the warrant to determine whether a violation has actually occurred.

A "violator" in another state need not always be returned to Illinois for the "violation" to be reviewed. This was not always the case. Before 1949 all violators had to be returned to the penitentiary for a hearing by the Board.

H. M. Randall, Director, Parole and Probation Board, Oregon:

The Oregon Board does not issue a revocation of parole only on the basis that a man has been charged with the commission of a crime. If that is the only violation, then unless he admits his guilt to us or unless he is convicted, his parole would not be revoked. On the other hand, other violations such as drinking, failing to report, changing residence without permission, associating with ex-convicts, etc., can be the basis of a revocation regardless of his guilt or innocence of the new charge.

We may place a detainer against a parolee who has been charged with and arrested on a new crime while we make such investigation as may be necessary; furthermore, we may arrest and detain a parolee thought guilty of parole violation while we investigate. Neither the detainer nor the arrest needs to be based on a violation warrant issued by the Board. After we complete our investigation, we present the case to the Board for revocation when such action is indicated.

Recently a parolee arrested and charged with a new crime denied guilt and since there were, to our knowledge, no other violations, we refused to revoke and insisted that the local district attorney prosecute on the new charge. This he was loath to do at that time as he was then involved in a murder case. The parolee later admitted various other violations of parole rules and it was on this basis that the Board finally revoked his parole.

G. I. Giardini, Superintendent, Parole Supervision, Pennsylvania Board of Parole:

The policy of the Pennsylvania Board of Parole is to lodge a warrant against the parolee as soon as we learn of his arrest. The warrant is enforced on the grounds that other violations have been discovered in addition to the offense for which the subject remains to be judged in court. It is on this basis alone that we sometimes refuse to permit the release of a parolee on bond. However, under such a situation as this, we permit release on bond on the basis of circumstances in each case.

In instances where the parolee is arrested and released on bond prior to our being informed about the arrest, our rule is not to rearrest the subject but to permit him to remain on bond unless we discover that he has committed violations, in addition to the charges for which he is to be tried, which are of sufficient seriousness to warrant his rearrest.

In substance, arrest of a parolee for a new offense does not preclude his release on bail. If bail is requested and we are not in position to show that there have been other violations in addition to the charge

for which the parolee is to be tried, we permit release on bail.

Charles P. Chew, Director of Parole, Virginia Parole Board:

When a parolee is charged with a minor offense, we do not necessarily hold him in custody until he is tried. On a number of occasions we have continued men on parole supervision but have furnished our officers with a warrant or the authority of arrest so that if there is a conviction the man can be held for action by the Parole Board.

The issuance of a warrant for alleged parole violation should not invariably prevent consideration for bail on the new offense. If bail is considered, the party responsible for determining the amount should be fully apprised of the status of the parolee and the nature of his previous offense, the time left to be served, etc. Cases of alleged violation should be handled, wherever possible, on an individual basis. A parolee is not a free man; our actions must be consistent with the adequate protection of society along with the rights of the individual.

Quentin Ferm, Assistant Director, Division of Corrections, Wisconsin:

Our practice has been to judge each case on its merits. The mere fact that a man has been charged with a crime does not automatically bring about a revocation here. This is especially so in those cases where a man's conduct prior to being charged with a crime is without blemish and where his adjustment on parole has been most satisfactory. We generally delay our determination on cases of this type until we have had the benefit of the court's decision. If, on the other hand, after an investigation by our staff it is indicated that in addition to being charged with a new crime our parolee has in fact violated the rules and regulations, we then would revoke parole and would probably carry through our revocation irrespective of the court's finding on the particular charge.

We have a young lad on parole from our Reformatory who after three months of satisfactory time under parole supervision was involved in a fight in which another boy was killed. Our parolee was charged with second degree murder but in a trial just completed was found not guilty. On the basis of our independent investigation we decided to continue him under supervision even though he had been involved in this rather sad situation. Although we do not condone fights, it did appear in this case that the parolee was acting in self-defense and even though the result was disastrous we did not feel that it should interfere with his parole status.

We generally allow a parolee waiting trial to be eligible to go out on bond unless the violation is so serious that we risk his absconding. We feel that the bond as set by the court adequately protects society; moreover, at least in this locality, men have rarely absconded while being out on bond. We follow this procedure especially where there is doubt as to guilt and where a man's record under supervision is otherwise adequate. I do not believe we should consider parolees as second-class citizens; all other things being equal, they should be treated as equals in the process of new charges.

News & Notes

Guides for Sentencing, prepared by the Advisory Council of Judges of the National Probation and Parole Association under a grant from the Mary Reynolds Babcock Foundation, of Winston-Salem, N.C., will be published July 13. The first of a series of practical manuals, it discusses the principles and procedures that should underlie the decisions altering the course of life for the more than one million men and women who stand before the judges of criminal courts for sentencing each year.

In spite of its obvious importance, sentencing procedure has been almost totally neglected in the literature of the administration of justice. In his foreword to *Guides for Sentencing,* Bolitha J. Laws, Chief Judge of the U.S. District Court of the District of Columbia and Chairman of the Advisory Council of Judges, states:

> The sentencing of the convicted offender demands of the trial judge the best that he has in wisdom, knowledge, and insight, as a jurist and as a human being. Difficult as it is to do, he must constantly weigh in the balance the future course of life of the individual before him with his judicial responsibility for the protection of the community.
>
> In nearly two decades on the bench I have often felt the need at this point to draw on the experience of other judges to a far greater extent than is possible through study of the law and court decisions. My colleagues on the Advisory Council of Judges—and, I am sure, in courts throughout the country—share this need for exchange and embodiment of sentencing experience.

Where there is a trial, the judge has some opportunity to observe the offender. But the vast majority of the convicted have pleaded guilty, and the judge does not have even that slight chance to form an opinion as to what kind of sentence would be best for the particular defendant before him. The book notes the flaws in sentencing by the "hunch" system and points out that proper sentencing is impossible without a good presentence investigation. It includes, by way of sample, two presentence reports—one submitted by the probation department in a federal court, the other by the probation staff in a county court.

The foundation grant has made it possible for NPPA to send a complimentary copy of *Guides for Sentencing* to every criminal court judge in the country. Copies for sale ($2, cloth, 112 pp.) are available through request to NPPA's New York office.

Guides for Sentencing, the Advisory Council of Judges, and the problems of sentencing are the subject of an article, "Why Judges Can't Sleep," by Ruth and Edward Brecher, in the July 13 issue of the *Saturday Evening Post.*

Guides for Juvenile Court Judges, the second in the Advisory Council of Judges' series of manuals, will be published in October. This book, like the *Guides for Sentencing,* presents the thinking and experience of many men, judges of America's courts for children, all of whom have had to learn the hard way in deciding what measures the court should take for the child who appears before it. It is the outgrowth of discussions by the Advisory Council of Judges of the NPPA of the need for a manual of this kind. The National

Council of Juvenile Court Judges, invited to cooperate on the project, appointed a committee to participate in writing it.

The work of preparation was prodigious and the achievement in outlining realistic and effective approaches to many difficult problems facing the judges is notable. Beginning with the history and philosophy of the juvenile court, the manual covers such topics as jurisdiction, administration, personnel, procedures, detention, hearings and dispositions (particularly probation), community resources and relationships, and perhaps most important of all, the judge himself. This is no black-and-white, right-or-wrong, do-it-this-way set of formulas. It is basically a *guide* setting forth principles, philosophy, and the accumulated experience of over fifty years of juvenile court operation.

A grant from the Mary Reynolds Babcock Foundation made this book possible. It will be available from the NPPA at $2, in cloth, 144 pages.

The fifth annual meeting of the Advisory Council of Judges takes place in New York City on July 11 and 12, just before this issue goes to press. The tentative agenda includes the following items: Attacks on the Juvenile Court, Institutes for Judges, Handling Nonsupport Cases, Traffic Cases Involving Juveniles, American Law Institute Model Penal Code, Treatment of Youthful Offenders, Control of Dangerous Offenders, and Effective Use of Short-term Treatment.

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In addition to the 1957 *Probation and Parole Directory*, *Guides for Sentencing*, and *Guides for Juvenile Court Judges*, two other NPPA books are scheduled for publication this year. *Parole in Principle and Practice* ($2, cloth, 192 pp.), a manual based on the 1956 National Conference on Parole, which was called by the U.S. Attorney General and cosponsored by NPPA and the U.S. Board of Parole, will be published August 15; *Standards for the Detention of Children and Youth* ($1, paper) will be published in November.

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Sol Rubin, NPPA counsel, is preparing a book to be published next February by Oceana Press. Title: *Crime and Juvenile Delinquency*; subtitle: *a Rational Approach to Penal Problems.*

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Robert W. Cassidy joined the NPPA staff on April 16 to work with the Ohio Citizens Committee on Delinquency and Crime and the citizens committee soon to be established in West Virginia under our citizen action program. He succeeds Cleo Dolan, who resigned to accept a position in the Ohio Department of Public Welfare.

Prior to joining our staff, Mr. Cassidy was a field staff worker with the American Bar Association survey on Criminal Justice, a federal probation officer in the District of Columbia and Hawaii, and institutional parole officer for the National Training School for Boys.

Mr. Cassidy is a graduate of St. Joseph's College, Philadelphia, obtained his master's degree in correctional administration at Notre Dame University, and took postgraduate training in law at Catholic University, Washington, D. C.

Raymond C. Davidson, formerly Deputy Commissioner of Corrections in Massachusetts in charge of institutional services, joined the NPPA staff on June 17 as field consultant assigned to our Midwestern office in Chicago Heights. He had previously served as

assistant director of the Division of Correction in the Wisconsin Department of Public Welfare, and as a probation and parole agent supervisor and research associate in the department's executive office.

Mr. Davidson is a graduate of the University of Wisconsin, where he also received his master's degree in education and in social work.

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Arthur T. Vanderbilt, Chief Justice of the New Jersey Supreme Court, died on June 16. He was sixty-eight years old.

The New York *Times* said of his work:

> Justice Vanderbilt was a leader in court reform, legal education, and good government. As lawyer, teacher, and judge he was an outstanding defender of civil liberties.
>
> He was in the front rank of the country-wide movement in the last half-century to improve court structure, administration, and procedure in state and nation. Unification of court systems, modernization of court administration, and simplification of court rules were his main goals in public service.
>
> Cooperation between bar and public, he held, was essential to enable the law to adapt itself to changing conditions.

JOURNAL readers will remember the review of Justice Vanderbilt's *The Challenge of Law Reform* in the April issue, in which Judge Philip Halpern paid tribute to the Justice's "permanent place of honor in the history of the legal profession."

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Although standards for state correctional services have been promulgated, legislative draftsmen have never had the benefit of a model act to give them the necessary legislative language implementing the accepted standards. This lack will be remedied through the work of a nationally representative committee appointed jointly by the American Correctional Association and the National Probation and Parole Association. The committee, which has begun to bring together the preliminary data and principles to be used in the final draft, consists of the following:

Sanford Bates, Consultant in Administration; James V. Bennett, Director, Federal Bureau of Prisons; Dr. Ralph Brancale, Director, N.J. State Diagnostic Center; Reed Cozart, Warden, Federal Correctional Institution, La Tuna, Texas; Edmond FitzGerald, Member, New York Board of Parole; Hon. Ivan Lee Holt, Jr., Judge, Circuit Court, St. Louis; Florence M. Kelley, Attorney-in-Charge, Legal Aid Society, New York City; Paul W. Keve, Director of Court Services, Hennepin County Probation Office, Minneapolis; Richard A. McGee, Director, California Department of Corrections; Thomas J. McHugh, Commissioner, New York Department of Corrections; Russell G. Oswald, Member, New York Board of Parole; James W. Phillips, Member, Virginia Parole Board; John D. Porterfield, Director, Ohio Department of Mental Hygiene and Correction; Joseph E. Ragen, Warden, Illinois State Penitentiary; Hon. Scovel Richardson, Judge, U.S. Customs Court, New York City; Heman G. Stark, Director, California Youth Authority; Prof. Paul W. Tappan, Department of Sociology and Anthropology, New York University; Harry C. Tinsley, Warden, Colorado State Penitentiary; Roberts J. Wright, Warden, Westchester County Penitentiary, Valhalla, N.Y.

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The Federal Bureau of Prisons has announced that, continuing the trend toward less frequent use of the death penalty, 1956 executions in the U. S. were fewer than in 1955. Total for 1956 was 65; for 1955, 76; for 1953, 62. Six states accounted for thirty-nine executions (60 per cent)—Mississippi, 8;

Florida and Texas, 7 each; Georgia and New York, 6 each; California, 5.

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The Senate Subcommittee to Investigate Juvenile Delinquency has released its report on four years of study and hearings (Senate Report No. 130). Its conclusions challenge several popular ideas on what causes delinquency; poor housing, low economic status, and lack of organized recreation are not necessarily decisive, the committee concluded, but social work services for the family are.

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Evasion of the law by its own public administrators is the story told by an April 23 editorial in the Corpus Christi (Texas) *Times*, which is reproduced in part below.

Two 16-year old Texas youths will be tried as adults after their 17th birthdays, if authorities have their way. One is accused of the rape-murder of a 12-year-old ... girl. The other is accused of the murder of his mother and step-father. ... Under Texas law a youth accused of a major crime can be held to answer as an adult if he is indicted after he is 17 years old—18 in the case of a girl....

It seems obvious that if we are to have one set of laws for the punishment of juveniles and one set for the punishment of adults, the categories should be scrupulously observed. The test should not be when an offender is indicted, but should be the age of the offender at the time of his offense....

As long as this dividing line [of age] has been set it should be observed. Otherwise the distinction becomes meaningless and ... [the trial of a] 7-year-old boy who sets fire to a house in which someone burns to death [could be delayed] until he is 17 [and can be convicted of] murder and arson. [Maximum sentence for] a juvenile offender [is at present commitment to] reform school until the youth is 21.

The practice of waiting to indict juveniles until after they become adults is not a new one in Texas. ... But one exception to the rule is too much. Either the spirit of the law, which segregates a juvenile crime from an adult crime, should be observed or the distinction itself should be abolished. No prosecutor should be permitted to evade the spirit of the law.

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A report on the causes of prison riots, the future dangers inherent in them, specific ways of rehabilitating the institutionalized, and means by which citizens can help in the reformation, has been issued by the Prison Association of New York.

The Association pinpoints the principal causes of riots, which it points out have taken place in two-thirds of the forty-eight states since 1950, as:

1. Political Meddling and Mismanagement. The traditional use of prisons for patronage purposes, resulting in the designation of lax, untrained and often completely misfit appointees to administrative and guard posts. ... and related abuses—graft, bad food, favoritism, brutality, the sale of pardons and misuse of parole ...—drive inmates to revolt.

2. Prisoner Idleness and Overcrowding....

3. Antiquated Institutions, Inadequate Personnel. Substandard institutions with fire hazards; conditions unfit for human habitation; underpaid and incompetent personnel ... goad men to uprisings. ... Only 11 per cent of state penal institutions have been built in the last fifty years; 89 per cent are from 50 to more than 100 years old.

4. Inadequate Classification and Nonsegregation....

In its studies of the major disturbances which have flared in the past few years, this was the recurring pattern found to exist prior to the outbreaks.

Copies can be obtained by writing the Association at 135 East 15 St., New York 3, N. Y.

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"Juvenile Delinquency: A List of Resource Material," a 30-page digest of magazine articles, bibliographies, pamphlets, and books, is the most recent of several mimeographed bibliographies on juvenile delinquency published by the Big Brother Movement. To date, three issues have been completed. List 1, of seven pages, covers material published prior to April, 1955; list 2, eleven pages, material published between April 1 and December 31, 1955; list 3, of twelve pages, covers 1956 publications. The compilation includes listings of articles from professional journals and magazines with mass readership, both here and abroad; it contains two special sections—one on articles in Catholic periodicals and another of extracts from *Palestine and Zionism*, most of which are written in Hebrew. The issues vary in price; list no. 3, the longest, is 30¢. Copies can be obtained by writing Russell J. Fornwalt, Editor, Juvenile Delinquency Digest, 33 Union Square West, New York 3, N. Y.

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Juvenile Court Statistics, 1955, published by the Children's Bureau of the U. S. Department of Health, Education, and Welfare, does not include any important change in observations or conclusions from the 1954 report. The 324,369 juvenile delinquency cases handled by the 1,549 courts reporting to the Bureau during 1955 showed a 9 per cent increase over 1954, the seventh consecutive year of increase. Since 1948 there has been a 70 per cent over-all increase; child population has increased only 16 per cent since that year.

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The New England Conference on Probation, Parole, and Crime Prevention will be held in Groton, Conn., September 8 to 10. James M. Coughlin, adult probation officer in Connecticut, a member of NPPA and the Connecticut Probation and Parole Association, is in charge of hospitality and other arrangements for the conference.

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The New York School of Social Work recently sponsored two workshops exploring problems in the treatment of delinquent children.

• On June 7 and 8, eighty social workers, psychologists, and psychiatrists participated in an intensive two-day workshop on failures in treatment of delinquent children. This workshop pooled the experience of staff members of more than twenty-five New York City social agencies and institutions, both public and private, with a view to defining methods of more effectively dealing with these children.

Participants defined, as factors in treatment failures, lack of adequate knowledge in the following areas: appropriate ways of dealing with specific antisocial outbursts, the role of friendship and the gang group in determining treatment success or failure, and specific differences in attitudes and values between delinquents and the professionals working with them. A further conference will be held in the fall.

Workshop proceedings will be published.

• The second New York School of Social Work workshop, on "Planning Community Services for Delinquents and Other Children in Trouble," was held June 24–28. Cooperating in the workshop were the U. S. Children's Bureau, NPPA, the New York State Youth Commission, United Community Funds and Councils of America, Inc., and the New York City Youth Board. Participants were staff members of community councils, youth

commissions, national service agencies with programs in the field, and leaders or planners in departments of social welfare, institutions, police, probation, etc.

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The April News & Notes included a suggestion that the high school career conference be used as a vehicle for long-term recruitment plans. A county probation department—Contra Costa, Calif.—has adapted a similar idea. Following an aggressive recruitment practice of large commercial corporations, the department has instituted a "coffee hour" for University of California at Berkeley students interested in corrections as a career. Chief Probation Officer John Davis recently organized the first of these informal sessions, which was attended by a large group of undergraduate and graduate students in social work, criminology, sociology, and other fields. On hand as spokesmen for the county's professional workers in corrections were the judge of the juvenile section of the Superior Court, a number of members of the Board of Supervisors, the county civil service commissioner, chief probation officer Davis, probation department casework supervisors, and several newly appointed probation officers just beginning their work in the field.

Mr. Davis reports that this informal coffee hour was highly successful as a stimulant of student interest, and that it will become a regular part of his department's recruitment program.

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Don J. Hager, in his article on "Race, Nationality, and Religion, Their Relationship to Appointment Policies and Casework" in the April JOURNAL, discussed briefly the unconstitutionality of requiring church attendance as a condition of probation. A March 28 editorial in the Little Rock *Arkansas Methodist* discussed the same question. The paper said:

> It is not uncommon in press reports, and especially in releases from Religious News Service, to read that a delinquent, in lieu of a jail sentence or heavy fine, has been put on probation and ordered, directed, or sentenced to attend church regularly for a certain period of time on threat of having the parole revoked and the original sentence made effective.
>
> We have no criticism of a court that follows this course of action. It is done with the best of motives. . . .
>
> It must be that some are helped by this course of action or courts would not use this method. Much would depend on the disposition of the child. . . . [some] likely would feel that the church is being used as a "whipping post," . . . and resent both the method and the church and, having serve their "sentence," turn away from the church as if it ware a penal institution.
>
> We are for anything that sincere, sensible people do in an effort to solve the juvenile delinquency problem. Nevertheless, we feel that the idea of using the church as a compulsory, correctional institution is at least debatable.

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Salaries *are* strategic, as John Schapps pointed out in his April JOURNAL article. An editorial in the Santa Barbara *News-Press* on May 25 gave additional proof—if proof is necessary. The item stated:

> It is interesting, in a wry sort of way, that the subject of pay for adult supervisors at Juvenile Hall should come up in a Courthouse proceeding on the same day that large salary increases for top county officials were recommended by the Grand Jury. . . .
>
> After a hearing on the sordid details [of an altercation resulting in the dismissal and resignation of two men], a judge who is an ex officio member of the County Probation Committee said: "This trouble at Juvenile

Hall boils down to the problem that we don't have enough money to pay supervisors out there." Another judge who handles Juvenile Court cases added that there have been many pleas to the County Board of Supervisors for more money for salaries, "so that we can at least hire high school graduates to help these juveniles."

Then the superintendent of the hall made the shocking statement that his men, who are supposed to be qualified to assist in the rehabilitation of juveniles, are paid $2 a month less than the men who carry garbage to the trucks for the local garbage company. Starting salaries, he said, are $292 a month, less than jailers and less than supervisors at Los Prietos Boys Camp....

While the Grand Jury and Board of Supervisors are concerning themselves with increasing some salaries from $12,000 to $15,000 a year, or others from $10,000 to $12,000, justified though they think the raises may be, it might be wise for the jurors to consider the problems at Juvenile Hall that may be caused in part by inadequate pay.

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New York's Governor Harriman has appointed eight experts—one of whom is NPPA's director, Will C. Turnbladh—to a committee which will "review the structure, practices and procedure" of the parole system and its relation to the state's Correction Department, and recommend administrative and legislative changes to improve the parole program. The Governor announced that the committee would submit its findings to him in time for action at the next regular session of the legislature in January. The committee was appointed as a result of a report by the Acting Investigation Commissioner, Arthur L. Reuter, on the dismissal of a charge against Joseph Lanza of violating parole by consorting with known criminals. Lanza was convicted in 1950 of extortion and is known as "one-time czar of the Fulton Fish Market." The charge was dismissed by Parole Board Commissioner James R. Stone, who has since resigned from the Board. The Acting Investigation Commissioner's report was critical of parole practices, both in supervision of parolees and in processing petitions for parole and executive clemency, and asked for an "exhaustive study" of the entire system. Gov. Harriman has maintained that the study should be made by penology and parole experts rather than politically-minded investigators, and should be aimed at correcting abuses rather than exposing particular persons' errors.

Chairman of the committee is Mathias F. Correa, New York City lawyer who is a former special assistant district attorney in New York and former U. S. attorney for the Southern District of N. Y. Members, in addition to Mr. Turnbladh, are: Sanford Bates, former director of the U. S. Bureau of Prisons; Edward R. Cass, general secretary of the American Correctional Association and New York Prison Association, and a member of the State Correction Commission; Miss Florence M. Kelley, lawyer in charge of the criminal branch of the Legal Aid Society; Robert J. Mangum, deputy commissioner of the New York City Police Department who represents the Police Commissioner on the city Parole Commission; Paul W. Tappan, N. Y. U. law professor and former chairman of the U. S. Parole Board; and Herbert Wechsler, Columbia University law professor.

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Two new members have been appointed to the New York State Parole Board—one to fill an expired term, the other to fill the vacancy left by a resignation.

Russell G. Oswald, Correction Com-

missioner of Massachusetts and former director of the Division of Corrections in Wisconsin, fills the place of James R. Stone, who resigned as a result of criticism of his actions in the case of parolee Joseph Lanza.

Edmond FitzGerald, chief probation officer of Kings County (N. Y.) Court, replaces Edward J. Donovan, whose term on the Board expired in June.

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Apropos of Senator Javits' argument for the public defender on pages 209–214 of this issue are several recent public statements—three pro and one con—by the U. S. Attorney General, his Deputy Attorney General, a federal judge, and the president of the National Legal Aid Society, testifying to the currency and pertinence of this question.

The New York *Herald Tribune* reported on February 12:

> Attorney General Herbert Brownell, Jr., renewed a request to Congress [on Feb. 12] for legislation providing for appointment of public defenders to represent indigent defendants in criminal cases in federal courts. In a letter written to Vice President Richard Nixon in his capacity as president of the Senate, Mr. Brownell compared the present system of assigning counsel to "the use of the volunteer fire department in modern society." He held it unfair to defendants and to the "tiny percentage" of lawyers who volunteer to serve without compensation as defense counsel.
>
> The proposed bill would permit each district court to name a public defender and assistants as needed. Maximum pay for a full-time public defender would be $10,000 a year. Part-time defenders would be authorized in less populous judicial districts, with a $5,000-a-year pay ceiling. A similar bill died in the eighty-fourth Congress.

William P. Rogers, U. S. Deputy Attorney-General since 1953, pointed out in an article in the New York *Times* Magazine on April 21 that the public defender system "will go a long way toward minimizing errors, misunderstandings, and injustices."

On the other side of the question is Judge Edward J. Dimock of the Southern District of New York, who told the State Bar Association on June 29; "Defense of those charged with crime is the last field we should permit the state to enter. Once the state had acquired power over the defense of those whom it accused the power of the state would be absolute indeed." He called the public defender system "an invitation to tyranny."

Orison S. Marden, president of the National Legal Aid Society, spoke to the assembled Bar Association in favor of the public defender system, pointing out that in the few states in which the system has been operating for some time, there has developed no "police state." He also suggested that the best solution to the problem would be a "community law office" manned by experienced criminal lawyers and financed by private funds, public funds, or both.

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A federal program which would compare statistically "the recidivism of highly similar groups of offenders who have been exposed to a distinctly different correctional experience" has been proposed by Daniel Glaser in an article entitled "Released Offender Statistics" in the March-April 1957 issue of the *American Journal of Correction*. The article "is designed to promote further planning and discussion which may ultimately lead to the provision of funds," and the author invites comments and suggestions on the proposal.

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An Evaluation of the Services of the State of Ohio to its Delinquent Children and Youth has been published by the Bureau of Educational Research of Ohio State University. H. Ashley Weeks, director of the study, and Oscar W. Ritchie, his assistant, made the evaluation under a grant from the Department of Public Welfare. Previous studies by the Bureau of Ohio's services to adjudicated delinquents have been made but, the Bureau director points out in his foreword to the 320-page report, this one departs from older practice "in two important ways": a University-wide Advisory Committee shaped policies for the study, and "the impact of the services on the boys and girls is the central emphasis."

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A tantalizing fact which might form the basis of some interesting research has been reported by the New York City Police Department. The number of missing persons has, since 1917, invariably risen sharply in mid-March, continuing upward through April and reaching its peak in May. The second highest month is always September. The peak age in New York City for runaways, reports the Police Department, is fifteen. (The Police Department is not empowered to search for adults who voluntarily change their place of abode.)

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Major gaps in New York City's services for children are explored in a recent (May, 1957) publication of the Citizens' Committee for Children of New York City, Inc. Alfred J. Kahn, director of the Committee's studies and author of this report, has provided in 95 pages the first step in the development of "a plan for those children for whose protection and treatment the community is responsible." Chapters include "Background"; "The Children —Their Symptoms and Problems, Their Families, What They Are Like"; "Community Services—Cases Found and Opportunities Lost, How Are Plans Made?, The Outlooks and Inter-Relationships of Agencies"; "Resources for Effective Work"; and "Items for a Community Agenda." Copies can be obtained from the Citizens' Committee, 112 East 19 Street, New York City, for $2.

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The Committee on Public Information of the American Psychiatric Association has published *A Psychiatric Glossary*, 48 pages of definitions "for non-psychiatrists generally and particularly for other professional people who must deal with psychiatric subject matter." Neurological terms are omitted; only where the Committee thought it desirable to emphasize obsolescence were uncommon or obsolescent terms included. Abreaction—the first term defined—is described as "an emotional release or discharge resulting from recalling to awareness a painful experience which has been forgotten (repressed) because it was consciously intolerable." The glossary is distributed by the Mental Health Materials Center, 1790 Broadway, N. Y. C.

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The Group for the Advancement of Psychiatry has published several reports pertinent to the field of corrections. Report No. 9, "Psychiatrically Deviated Sex Offenders," presents the results of a study (by the Group's Committee on Forensic Psychiatry) of the need for rational legislation in this field, and includes revisions as of February, 1950. Report No. 26, dated May, 1954, deals with "Criminal Responsibility and Psychiatric Expert Testimony"; it was prepared by the Com-

mittee on Psychiatry and Law. The reports cost 25¢ each and can be obtained from the Group at 3617 West Sixth Avenue, Topeka, Kansas.

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"The Untried Adult in Detention" is the theme of the April, 1957 issue of the *Prison Journal*. Articles in this issue include a historical review of Philadelphia's detention facility—Moyamensing Prison—by Randolph E. Wise, Commissioner of Public Welfare in the city; two pages of letters supporting a separate house of detention for the city's untried, by Mayor Dilworth, several judges, city council members, and others; and—of particular interest to those outside Philadelphia—a 34-page report on the Pennsylvania Prison Society's twenty months of experience in casework with the untried in prison detention. Louis Partnow, PPS Administrator of Services for the Untried, describes in the article, "Toward a Program for the Untried Adult in Detention," what differentiates the psychology of the untried from that of the convicted in prison, illustrating their need for casework in terms of vivid case histories which catch the intonations of these prisoner's voices and basic attitudes.

Employment Opportunities

United States

Social Worker (Parole), in federal penal and correctional institutions (GS-7), to prepare personal histories and progress reports, explain policies, and advise inmates on personal problems. Bachelor's degree plus 2 years experience in parole, probation, or social casework, or 6 years experience in parole, probation, or social casework required; 1 year of experience must be in a correctional institution or community delinquency or crime prevention program. Graduate study may be substituted for experience. No written test; rating is made on basis of experience and training. $4,525 minimum, $5,335 maximum. U. S. Civil Service Commission Announcement No. 9-14-3 (1957).

Clinical Social Worker, in Veterans Administration hospitals and regional offices. Master's degree in social work required. Experience depends upon grade; positions open at GS-7 and GS-9. GS-7, $4,525 to $5,335; GS-9, $5,440 to $6,250. U. S. Civil Service Commission Announcement No. 109 B.

Announcements, Card Form 5001-ABC, Form 57, and Form 15 may be obtained at post offices or from the U. S. Civil Service Commission, Washington 25, D. C.

Los Angeles, California

Deputy Probation Officers (men and women), for Los Angeles County Probation Department (Exam. No. 12522). Bachelor's degree in social sciences and (a) 1 year experience in probation or parole casework, or (b) 2 years experience in social case or group work, or (c) master's degree in social work. Twenty-four credits in psychology, criminology, sociology, public administration, or law may substitute for 1 year of the social case or group work experience. $5,280 to $6,540. California driver's license and car are required.

Probation Counselors (men and women), for Los Angeles County Probation Department (Exam. No. 11501). Bachelor's degree. Age, 21 to 35. Experience in group supervision of children or work with children as counselor, caseworker, teacher, recreation or physical education director, or attendant in recognized agency, camp, or institution desirable. $4,260 to $5,280.

Write to Julius Brooks, 205 South Broadway, Los Angeles 12, Calif.

Los Angeles, California

Caseworker, Volunteers of America of Los Angeles, to counsel and supervise parolees; work with relatives of inmates and parolees; prepare preparole social studies; visit penal institutions and group meetings. Psychiatric consultation as needed; good supervision. MSW required. $4,572

to $5,400 to start, according to qualifications. Private offices, opportunity for advancement to supervisory job. Write to Walter C. Hart, Assistant Executive Director, Volunteers of America of Los Angeles, 333 So. Los Angeles St., Los Angeles 13, Calif.

Wethersfield, Connecticut

Executive Secretary, Board of Parole for the State Prison and Osborn Prison Farm. Administer parole system under new legislation. $8,500 to $10,000. Write Prof. Richard C. Donnelly, School of Law, Yale University, New Haven, Conn.

Minneapolis, Minnesota

Juvenile Probation Officers, Hennepin County Department of Court Services. Bachelor's degree, plus 2 years experience in social work, required; MSW preferred. $4,340 to $5,890; beginning salary depends on education and experience.

Caseworker, in boy's training school, Hennepin County Department of Court Services. Education, experience, and salary same as above.

Write to Paul W. Keve, Director of Court Services, 22 Court House, Minneapolis 15, Minn.

St. Paul, Minnesota

Supervisor, Women's Parole Section, Youth Conservation Commission, to supervise 4 parole agents. Bachelor's degree in social sciences or pre-social work required, MSW desirable; 3 years experience probation or parole work. Selection based on personality as well as training and experience. $4,992 to $6,072. For application, write to Minnesota Civil Service Commission, State Office Bldg., St. Paul 1, Minn.

Bordentown, New Jersey

Director of Education, Grade I, in N. J. Reformatory (population largely 18–25 year olds), to supervise program; five certified teachers on the staff teach social adjustment, recreation, and academic elementary and high school courses. Master's degree and eligibility for supervisor's certificate. Experience at the institution receives full credit toward permanent certification. 12 month basis; tenure, pension, and vacation similar to public school allowances. Minimum, $5,940; maximum, $7,140. Candidate should be available for work Aug. 12, 1957. Write to Albert C. Wagner, Superintendent, N. J. Reformatory, Bordentown, N. J.

Director of Recreation, to organize and direct program. N. J. teacher's certificate. Extra pay for eleventh month. Salary depends on degree; master's degree, 11 months, $4,444 to $5,434. Job open Sept. 1, 1957. Write Dr. Charles J. Perrine, Director of Education, N. J. Reformatory, Bordentown, N. J.

Teachers (2), for social adjustment course to reformatory inmates, 18–25. N. J. teacher's certificate. Salary, date, and correspondent, same as above.

Albuquerque, New Mexico

Superintendent, New Mexico Girl's Welfare Home, population 170. Bachelor's degree and institutional experience; age, between 35 and 45. Salary open. Write Girls' Welfare Board, Box 6038, Station B, Albuquerque, N.M.

New York, New York

Director, man or woman, girls' division, Youth House, for temporary detention of 7–16 year olds from Domestic Relations Court. Institutional experience, administrative skill, and social work background or experience. $7,100 to $8,900; annual increments. Write John W. Poe, Executive Director, Youth House, 331 E. 12 St., New York 3, N.Y.

White Plains, New York

Supervisor of Detention, to take full responsibility for juveniles remanded to Detention Cottage, under general supervision of the director of probation of Westchester County. Bachelor's degree, plus 4 years graduate training and experience, at least one of which is in a supervisory capacity, required. $6,000 to start. Write Raymond C. Rieger, Director of Probation, 307 County Office Bldg., White Plains, N.Y.

Steubenville, Ohio

Probation Officer, to organize and develop a modern program of probation and related services for juvenile offenders, to be responsible to probate judge and, indirectly, to Advisory Committee on Juvenile Problems, appointed by the judge. MSW preferred; sound experience in probation required. Car a necessity; county pays mileage. Age, 25 or older. Preference to Ohio workers. $6,000. Applications obtained from Judge Emmett M. Morrow, Probate Court, Jefferson County Courthouse, Steubenville, Ohio, or Troy A. Snyder, Advisory Committee Chairman, R.D. 3, Steubenville, Ohio.

Toledo, Ohio

Counselors, male and female, Family Court Center of Lucas County. MSW preferred. Beginning salary, $4,500 to $5,000, depending on experience and training. Maximum, $6,800. Write Paul W. Alexander, Judge, Juvenile Court, 429 Michigan Street, Toledo 2, Ohio.

Woodburn, Oregon

Superintendent, MacLaren School for Boys, state operated; staff of 225. Bachelor's degree; graduate work preferred. Several years of progressively responsible administration of large or varied services to maladjusted children. $9,000 to $10,500; beginning salary depends on qualifications; furnished residence, including utilities. Applications accepted until August 1. Write to the Oregon State Board of Control, State Capitol, Salem, Ore.

Pittsburgh, Pennsylvania

Superintendent, Gumbert School for Girls, Allegheny County correctional school for girls 12 to 16. Present maximum is 68. Bachelor's degree, major in social services, sociology, or psychology. Social work experience with problem or neglected children; administrative experience as well. $6,300 minimum; starting salary depends on experience. Write to John H. Morgart, 240 S. Winebiddle Ave., Pittsburgh 24, Pa.

Olympia, Washington

Clinical psychologists I, II, and III, in state correctional institutions (juvenile and adult).

Grade I: selects, administers, and interprets psychological tests. Master's degree in clinical psychology from APA approved university required. $4,368 to $5,184.

Grade II: heads a service. Master's degree as above, plus 2 years experience, preferably in a clinic, required. $5,184 to $6,168.

Grade III: directs or provides services in large program. Ph. D. as above, plus 1 year supervised internship in clinical work, required. $6,168 to $7,344.

Higher salary rates to be effective in the near future.

Psychiatric Social Workers, in state correctional institutions (juvenile and adult), to work as member of clinical team with severely disturbed children. MSW plus casework experience with disturbed children in clinical setting required. $4,764 to $5,652 (starting salary depends on qualifications).

For further information on these four positions, write to Miss Mildred J. Stier, Senior Technician, Washington State Personnel Board, 212 General Administration Bldg., Olympia, Wash.

Milwaukee, Wisconsin

Probation Officers, in children's court, (Examination No. 1447), family court (Examination No. 2140), municipal and district courts (Examination No. 1675). Minimum, 2 years graduate work in accredited school of social work (excluding thesis); master's degree in social work and 1 year paid experience in casework preferred. Qualified supervision provided; excellent working conditions. Salary, $4,878.72 to $5,713.56: maximum salary arrived at after 4 years. Credit may be given, up to the maximum pay and on a year-for-year basis, for acceptable previous social work experience. Write to Milwaukee County Civil Service Commission, Room 206, Courthouse, Milwaukee 3, Wisc.

Book Reviews

Mr. Seward for the Defense, *Earl Conrad.* Pp. 306. New York, Rinehart, 1956, $3.95.

"Be prepared for the unexpected" was the motto of William Henry Seward, lawyer, twice governor of New York (1839–42), and Secretary of State of the United States under Lincoln and Johnson (1861–69). Though every schoolboy is familiar with the story of "Seward's Folly" (the Alaska purchase), Seward's famous defense of William Freeman had been all but forgotten until Earl Conrad's revival of this landmark in legal history and medical jurisprudence—"the Valley Forge of insane murder."

The young nation of three million white inhabitants was shocked into near hysteria when on the night of March 12, 1846, William Freeman, a 23-year-old Negro, massacred for no obvious personal motive four members of the socially prominent Van Nest household in the village of Fleming, on the shores of Lake Owasco, just outside Auburn, New York. Freeman had chosen the Van Nests at random to revenge himself upon a white society which had neglected him in his childhood and when he was sixteen had sentenced him to six years at hard labor at Auburn State Prison for a crime (stealing a horse) he did not commit.

In prison, he was subjected to the then infamous Auburn system—enforced silence; long hours of uncompensated, backbreaking bodily toil; violent beatings by sadistic prison guards; and frequent lashings at the whipping post, then standard equipment in every state prison. Upon his release he became obsessed with the idea that he had to get his "pay" for the brutal treatment which society had dealt him, and the Van Nest murders resulted. Seward voluntarily undertook his unpopular defense, a courageous act considering the temper of the villagers, who demanded quick execution of the mass murderer.

Seward's motto, "Be prepared for the unexpected," is also the keynote to the style and technique by which Conrad has pieced together the fragments of Freeman's life, his elaborate preparations for the murders, the grisly events of March 12, 1846, his escape, capture, and trial. Seward's brilliant defense and State's Attorney General John Van Buren's equally brilliant prosecution take place against the background of a howling lynch mob outside the courtroom, in the shadow of the state prison which dominated the lives of the villagers; in other parts of the nation proslave and antislave forces debated the social and political implications of the massacre at Fleming.

To the natural elements of drama and excitement inherent in such a trial the author has added the element of the unexpected, the surprise twist. However, some of these surprises sent this reviewer scurrying to the records to ascertain where Conrad, the historian, leaves off and where Conrad, the artist, begins. This search was not helped by the author's failure to furnish a bibliography.

Distortion or exaggeration as a device to emphasize truth is frequently harmless. But placing historical events or characters against a distorted background merely to stimulate interest or to exaggerate their importance (rather than to illuminate them) leads to de-

plorable confusion. Whatever is gained by way of color is offset by loss of authenticity.

In setting the background for Seward's defense, Conrad paints a vivid but largely unreal picture of a society where "judges and juries, and lawyers too, basked in the shadow of demonology and witchcraft," where "the Mosaic law was hard and fast—there was no recourse in law for the slayer, but yield him in return his eye and his tooth." As for precedent, "no acknowledged case of an insanity defense for homicide was yet recorded—either in England or the United States."

As for the legal test of criminal insanity in 1846, according to Conrad, "It stemmed from legalists Coke, Blackstone and Hale. Their definition stated that he was insane who, by reason of natural infirmity or disease, could not count to twenty, did not know his mother and father, and had no more reason or thought than a wild beast. The condition was determined by the 'wild beast' test, which stemmed from a case that occurred in 1724. *A hundred years later, in the time of Seward, it was still held to be a valid determination of insanity.* ... Obviously law and society needed a new definition of insanity, Seward believed. It was time for someone to lock horns with the 'wild beast' theory of insanity."

Two hundred and seventy pages later, in the last few paragraphs devoted to this protracted trial, the unexpected indeed does happen—the "wild beast" turns into a windmill. For the first time, fleeting reference is made to the famous M'Naghten Rule for determining legal insanity. Formulated by fifteen leading British jurists in 1843—three years before the Freeman case—this rule (which was applied as law to the Freeman case by the prosecutor and the Court alike) states:

> To establish a defense on the ground of insanity, it must be clearly proved that, at the time of the committing of the act, the party accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing, or, if he did know it, that he did not know he was doing what was wrong.

The "wild beast" test was adopted in 1724. It was abandoned later *in the same century* and the "right-wrong" test substituted. The M'Naghten case merely restated what had been the accepted "right-wrong" test in the previous century, in a form which has since been followed not only in England but in most American jurisdictions as the exclusive test of criminal responsibility. It remains the test to this hour, as Conrad himself belatedly admits. This test is a far cry from legal and judicial belief in demonology and witchcraft.

Every piece needs its villain. Conrad depicts Van Buren, the prosecutor, and Judge Whiting, who presided over the Freeman trial, as—by innuendo—the cowardly instruments of a frightened society bent on railroading a maniac to the gallows, despite the gallant efforts of the most advanced legal and medical thinkers of the day, out of fear that a verdict of acquittal on the grounds of insanity would establish a dangerous precedent.

No greater injustice could be done to a distinguished son of a distinguished President and to an eminent jurist. While Seward inveighed eloquently against the barbarity of our laws, Van Buren cited case after case where acquittals were won on the grounds of insanity: Hadfield, who shot at George III in 1800; Oxford, who shot at the Queen in 1840; M'Naghten, who killed Edward Drummond, secretary to Sir Robert Peel. Van Buren described the idea of trying

or punishing an insane man as "horrid" and "repulsive." Judge Whiting's charge to the jury was the essence of impartiality and clarity. His exposition of the law could pass every test even by today's standards. This reviewer would like to pay posthumous tribute to John Van Buren, a brilliant attorney general who, though overshadowed by the stature of the "Governor," matched him wit for wit, and whose complete summation to the jury (not Conrad's condensed version) deserves a place in the annals of legal history side by side with Seward's.

There is and there probably always will be a difference between insanity in the legal sense and insanity in the medical sense. This was the dilemma of the Freeman case and it plagues the courts to this day. There was no doubt that Freeman was insane by *medical* standards even as they were understood in 1846. Yet he met the test of *legal* responsibility according to legal standards valid in most jurisdictions to this very day, in that he knew the nature and quality of the act he was committing (murder) and knew that it was wrong to kill. The answer to this dilemma does not lie in Seward's theory —that the act of an insane person is not a crime. As the Appellate Court pointed out in the Freeman case, "The act. . .must be an insane *act* and not merely the act of an *insane person.*" An act of revenge is not necessarily an insane act even when committed by a person suffering from insane delusions. Seward's theory (the "wild-beast" nonsense aside) lacked the essential element of causal relationship.

Perhaps the way out may be found in the recent Durham Case (*Durham* v. *U.S.A.*) decided on July 1, 1954 by the U.S. Court of Appeals for the District of Columbia. Although it did not get loud headlines, this case may mark a turning point in a struggle that has been waged by enlightened people in every age for at least four hundred years. Recognizing that the legal "right and wrong test" is based on an entirely obsolete and misleading conception of the medical nature of insanity, the court said:

> The science of psychiatry now recognizes that a man is an integrated personality and that reason, which is only one element in that personality, is not the sole determinant of his conduct. . . . The fundamental objection to the right-wrong test is . . . that it is made to rest upon *any* particular symptom. . . . The rule we now hold must be applied . . . is simply that an accused is not criminally responsible *if his unlawful act was the product of mental disease or mental defect.* . . . The question will simply be whether the accused acted because of a mental disorder and not whether he displayed particular symptoms which medical science has long recognized do not necessarily, or even typically, accompany even the most serious mental disorder.

The Durham case has still to be adopted by other jurisdictions. Under the Durham test Freeman, despite his knowledge that it was wrong to kill, would have been acquitted and sent to a mental hospital.

JOSEPH ROTHMAN
Associate Attorney, New York State Department of Law

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The Prosecutor, *Bernard Botein.* Pp. 273. New York, Simon and Schuster, 1956, $3.50.

Bernard Botein is an Appelate Division judge in New York City, and a good one. He has demonstrated his sensitivity to the human problems facing a judge in his thoughtful earlier book, *Trial Judge.* But before Bernard Botein was a judge, he was a prosecuting attorney in the office of a district attorney who was first superseded and then succeeded by a reformer named Thomas E. Dewey. Dewey's bitter crit-

icism of his predecessor tarred good men and bad in that office. Bernard Botein was one of the good assistant district attorneys who for years smarted under the whiplash of the Dewey criticism. In a sense his book *The Prosecutor* is something of an answer to Dewey. Bernard Botein is thoroughly aware that when Dr. Samuel Johnson said that patriotism was the last refuge of a scoundrel, he overlooked the possibilities latent in the word "reform." For reformers, too, can be scoundrels and self-seekers; pursuing their so-called "good" ends, they can do more damage in a district attorney's office than the old-time political prosecutor who occasionally takes a "contract."

Edgar Bailey, one of the central characters in Botein's book, is an assistant district attorney chosen by "reform" elements. Nevertheless, he is an unscrupulous public official whose major interest in the powers of his office is how to use them to advance himself. In pursuit of his personal ambitions he is ready to sacrifice anyone who stands in his way. The damage he does, how he is able to do it, and the eventual triumph of virtue are all spelled out in *The Prosecutor*.

In the course of telling the tale of Edgar Bailey's machinations, the author manages to throw considerable light on how a prosecuting office functions and on some of the influences which are brought to bear upon it. This is of considerable importance because the prosecuting attorney's functions are too little understood by the general public; TV programs like *Mr. District Attorney* are no help to such understanding. No district attorney that I have ever known solves crimes in a half hour, even with the help of an attractive blonde secretary.

For years it has been apparent that there must be a fundamental reorganization of the prosecuting function if we are to deal adequately with crime in this country. We cannot continue with politically selected, young, inexperienced, underpaid, part-time prosecutors in most areas of the country, or with politically selected and dominated prosecutors in metropolitan areas. Neglect of the prosecuting function creates islands of lawlessness, where laws relating to gambling, liquor, narcotics, and prostitution are deliberately ignored. The existence of these islands of lawlessness was brought dramatically to the public's attention in the Kefauver investigation. Neglect in prosecuting violations of the vice laws and the trafficking with criminal elements involved therein inevitably impair prosecution of run-of-the-mill violations—burglaries, larcenies, robberies, homicides, and assaults. A prosecutor's office cannot be inefficient or corrupt in one area of its operation and do an effective job in the performance of its other functions.

The public will read books like Bernard Botein's *The Prosecutor* when it will not read serious studies concerning the way the prosecuting attorney's office performs the important law-enforcement duties which law and custom place upon it. Perhaps the public will then demand a prosecutorial organization in every state staffed with prosecutors selected for merit, who can make criminal prosecution a career, and who will be free from the powerful influences of political organizations which have accepted substantial contributions from criminal elements.

In telling his interesting story, Bernard Botein has rendered a distinct public service by stirring interest in that heretofore neglected public official, the prosecutor.

MORRIS PLOSCOWE
Attorney, New York City

Skid Row, U.S.A., *Sara Harris.* Pp. 285. Garden City, N. Y., Doubleday, 1956, $3.75.

Although *Skid Row, U.S.A.* offers no cure-all for the deplorable conditions found along the various Skid Rows of our country, it clearly points out what has been done in some of our cities to help restore faith and dignity to its inhabitants, and particularly to instill in them a desire to become free, useful, and happy human beings.

The book is definitely helpful to those who are devoting their lives to the rehabilitation of unfortunates, be it in welfare or social work, in religious missions, in psychiatric clinics, in prisons, or in the criminal courts. I am sure it will help judges to understand better some of the human beings who come before them and upon whom society asks that they pass judgment.

Sara Harris' artistry is clearly evident in her ability to cover sordid situations without inviting censorship, and to report misery and rather horrible situations without becoming melodramatic. The portion of the book dealing with the miracles performed by Alcoholics Anonymous, the Salvation Army, and the religious missionaries is particularly interesting.

It is definitely not a social worker's casebook, nor just a statistical account of the failings of the people of Skid Row, but an account of the author's real Alice in Wonderland trip into Skid Row, U.S.A.

Traveling with her, you will not meet the White Rabbit, Dodo, Lorry, or Eaglet, but you certainly will become acquainted with Schloime the Troime and his philosophy of life; you will learn of the deep-rooted indignant pride of Pig Head Hattie, the prostitute; you will personally know many "blinkies," "halfies," "crazies," and "dummies."

You will sit down for a drink with wealthy lushes who must have admiring companions congregated around the table so they can display their superiority and receive due respect from those for whom they buy drinks.

You will also meet Dr. Mark Keller, Doctor of Philosophy and possessor of a Phi Beta Kappa key, and be entertained by his attempt to justify his life along Skid Row. You will learn of the helplessness of the "punks" and their relationship with their homosexual masters. You will learn from Mackie Chambers the finesse used by real and fake cripples in separating a "sucker" from his money; you will learn from him to distinguish between the various types of beggars and to place them in their proper category in the social scale—from the lowest "moocher" to the successful and sometimes wealthy panhandler.

In its entirety, *Skid Row, U.S.A.* is a sincere and well-written book. It can be read for entertainment; even as a study of these unfortunates, it is entertaining.

JOHN A. RICCA
Judge, Recorder's Court, Detroit, Michigan

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Violence Behind Bars, *Vernon Fox.* Pp. 317. New York, Vantage Press, 1957, $3.75.

Within the fresh memory of correctional institution administrators, but with nearly a five year lapse since the incident itself, comes Vernon Fox's *Violence Behind Bars,* a description and discussion of the ill-fated riot at the State Prison of Southern Michigan at Jackson in April, 1952.

Prison riots have long had a strong grasp on man's imagination and curiosity, but seldom has there been a furor comparable to that over the method of terminating the prison disturbance at

Jackson. To those acquainted with wartime bomb damage at Berlin, Warsaw, or Manila, the sight of the multimillion dollar fire and water destruction at Jackson was familiar. Despite several previous attempts to outline the facts leading up to the riot and its process of termination, Vernon Fox, formerly assistant deputy warden in charge of individual treatment (individual treatment with 6,500 prisoners, mind you!) has now stated his case between two covers, once and for all.

After disposing of a historical sketch of prison riots dating back to Connecticut's 1774 riot (which is, frankly, somewhat disorganized), the author describes the pattern followed in all riots and disturbances. "The first phase," he maintains, "is one of disorganized confusion during which the patterns of mutinous groupings and leadership among inmates emerge and during which administrative leadership emerges from a group of men engaged in a series of trial-and-error efforts to re-establish custodial control." It is at this point that experienced institutional administrators will take issue, because in a well-organized prison the "trial-and-error" method of regaining control should not be necessary. Prearranged and well-rehearsed plans based on adequate personnel training should provide the answer, not "trial-and-error" in the heat of life-and-death uprisings.

Continuing, Mr. Fox points out that "the second phase consists of a period of tense talking and parrying of ideas between inmate leaders and administrative leaders.... [and] the third phase is the surrender of the inmates ... and restoration of custodial control. The fourth phase is the aftermath in which rival politicians interpret the riot and attendant conditions to the voting public according to their best interests and the group responsible for prison administration becomes engaged in a public relations project."

Based on these various phases, the story of the Michigan riot is unfolded over the next 300 pages. Once the author delves into personalities within the Michigan correctional system, he shows his hostility against various past and present officeholders. Somewhat unfairly, we feel, he criticizes several presently in the driver's seat, and this in spite of the fact that major improvements in administration have been made since the riots. Likewise is the author assertive in his criticism of "outside" consultants and surveyors of prison conditions.

"The majority of wardens are political appointees without specific experience or training for the job," he states. While there are still a fair number of the "*whom* you know" type of warden, many of us—and in increasing numbers—are holding our jobs because of *what* we know. We take issue at this point, as we do also with his choice of one of the two top prison systems in the country.

Throughout the book the strong thread of antagonism and misunderstanding between the social worker-psychologist - sociologist - psychiatrist group on the one hand, and the traditional custodial-warden group on the other, rears its ugly—and obvious—head. Those of us in the "what we know" category of prison wardens will readily acknowledge the status and function of the "professional" worker, but at times we take issue with them because of their lack of administrative experience in the handling of large groups of recalcitrant men. Despite the pleadings of the psychologist, the prison has not yet been devised—nor will it be—wherein each individual prisoner is entitled or permitted to act as he pleases. Unfortunately this becomes decreasingly possible as prisons

become larger. In fairness to the author, however, we must repeat one of his axioms of good prison administration, and one in which most wardens will concur. "Treat men as men, whether they be inmates or not, and always make your word good. If a man can trust the administration, then the relationship will be good." To that we say, Amen!

Another thread that emerges as the book reaches the halfway point is the now well-remembered reward of the "steak and ice cream" dinner to the rioting inmates, served upon conclusion of the siege. If dinners could be heard round the world, this was one that registered on all institutional seismographs. A horrified public could not assimilate rioting and steak-and-ice-cream conclusions such as occurred at Jackson. Using every possible explanation, Mr. Fox attempts to outline in considerable detail the events leading up to the serving of what he now terms "utility grade steak, something frequently on the menu, . . . and ice cream. . . for ice cream was served frequently." This, together with the alleged congratulatory speech of the author to the surrendering inmates, presaging "a new era . . . in American prisons," led to a public uprising throughout the nation. To this day, the author's explanation falls on more deaf ears than clear ones. Essentially, this book attempts clarification of his motives and methodology of stopping the riot—assuming that he was responsible for its end. Seemingly, few others were in on its conclusion! As the author states, "The fact that due to the action of one man, the most dangerous riot in American prison history was settled on terms that appeared to be torn from a textbook of progressive penology, and with the loss of but one prisoner's life, and the loss of no lives at all in the 15-block bastion where twelve officers were once held hostage by dangerous men—that fact had no bearing on subsequent public relations and political action. It meant little or nothing. Of greater importance was the handling of public opinion to maintain the political status quo."

And so the difference of opinion will continue, even as it does to the very last sentence in *Violence Behind Bars*, to wit: "Treatment and custody should compatibly intertwine—but custody can't come first."

Vernon Fox has published an interesting book replete with detail on the Michigan riot. This, in itself, is worth its purchase for reference by penologists and others in their efforts to understand the complex factors at play within the daily life of a prison. One major lesson of the book is this: Let's not build another administrative monstrosity such as Jackson. Individual treatment must be narrowed down to a point where size and the quantitative factor are not hindrances to treatment. Another lesson is that individual-treatment personnel must be coordinated with the custodial group, with a fair share of common understanding—and willingness to understand—on the part of both.

Mr. Fox must agree that his present status in the peacefulness of the University of Florida is more to be desired than the turmoil of the nation's largest prison—but that nevertheless he would not have forfeited his experience for all of Uncle Sam's dollars.

ROBERTS J. WRIGHT
Warden, Westchester County Penitentiary, Valhalla, New York

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Treatment of the Child in Emotional Conflict, *Hyman S. Lippman, M.D.* Pp. 291. New York, McGraw-Hill, 1956, $6.00.

Dr. Lippman is a physician devoted to the healing arts; his work is to save

a life, to mend it, in the best tradition of the medical profession. He is an experienced, thoughtful, and patient teacher who, in *Treatment of the Child in Emotional Conflict*, takes the practitioner engaged in treating disturbed children on a tour of his present and past cases, pointing out what to look for and explaining what can be done to alleviate or cure the observed conditions.

Dr. Lippman is clearly a student of Freud (he was trained as a child analyst by Anna Freud). His personal experiences under the supervision of August Aichhorn, touched on here and there in *Treatment of the Child in Emotional Conflict*, reveal the masterly imagination and deep understanding that Aichhorn put so well to use.

In this book, Dr. Lippman also shares what he has learned through many years of experience. All of the cases cited in the book are those treated at the Amherst H. Wilder Child Guidence Clinic in St. Paul, Minn., of which Dr. Lippman is Director. (He also teaches in the psychiatry and pediatrics departments of the Medical School, and the School of Social Work, at the University of Minnesota.) He clearly describes his point of view toward therapy, including conditions for approaching it, methods he finds useful, and—what is rarely understood or planned for in therapy—realistic goals. Most chapters are short, concise, and deal exclusively with a single aspect of the subject.

Throughout the book, the author insists on the need for involving parents properly in treatment. He says, for instance: "Child-Guidance-clinic studies demonstrate pathology in the parent-child relationship in almost all cases of serious delinquency in children." He also reports repeatedly on the long time required for effective treatment, even given patience, persistent effort, and skill on the part of the practitioner. The author makes clear that goals for treatment need to vary not only from one child to another, but also from time to time in the treatment of one child, depending on developments in the treatment.

The section on "The Problem of Prevention" is worth serious study by all who are really concerned about basic social maladjustment. There are descriptions of existing resources which can be used for prevention. These resources are sufficiently available in enough places around the country to make the reader wonder when some community will make an all-out effort and show what can be done.

The findings of Dr. Lippman, Susan Isaacs, and Dr. J. W. H. Van Ophuijsen, discussed in Dr. Lippman's book, again call attention to the fact that a child who has not received love cannot give it. Positive object relationship is still a basic necessary experience for all children. Dr. Lippman repeatedly shows that the mother who is unable to love her child cannot be blamed or rejected any more than the mother of a child who has diabetes or feeblemindedness!

Dr. Lippman admits his failures; he insists that the therapist's efforts to understand and help must always be wholehearted, even in the face of failure.

The clinic's enlistment of cooperation from social caseworkers, psychiatrists, group therapists, probation officers, visiting teachers, and other professionals is frequently reported, highlighting the fact that the use of many different skills in healing one child in emotional conflict is sometimes necessary. But this multiple-skill use has in it another lesson for the reader: the various combinations in which the skills of many persons are

used in the cases described in Dr. Lippman's book show an uncommon kind of imagination, and practitioners will find provocative hints for adaptation to their own practice along these lines.

Because differential diagnosis categories currently in use frequently do not fit the clinical picture of children in emotional conflict, the descriptive case material in this book can be very useful.

For students of all varieties of experience, this book contains a solidly built bibliography. To those working with children and their parents—whatever the setting or agency—*Treatment of the Child in Emotional Conflict* is a resource of considerable proportions.

PAUL GROSS
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Adolescent Development and Adjustment, *Lester D. and Alice Crow.* Pp. 555. McGraw-Hill, New York, 1956, $5.50.

Although *Adolescent Development and Adjustment is* not called a revision because it is of greater scope than Lester and Alice Crow's 1945 work, it does draw heavily on that book. Its seventeen chapters are written to appeal to the professional educator. If one is concerned with objective materials and research data, the case is much stronger in the first 150 pages, which deal with physiological and psychological development, than in the rest of the book, which is concerned with adjustments.

The part dealing with physiological development is particularly data-laden. While the reviewer questions the significance of much of the data as conventionally employed in teacher training, because of the great difficulty at this age in life of relating social behavior directly to psysiological growth except in the case of the individual whose growth is at great variance with the norm, those who want biological information will find it in abundance. Much of the adjustment part of the book is on a common-sense rather than a research-finding level. Surveys are presented, but for the most part their findings are reported rather than used as a basis for analysis.

More extensive use of research would have taken the authors beyond folk conclusions at many points. For example, regarding petting, they conclude: "A girl may pet with some boys; but she usually is careful to refrain from such activity with the boy whom she hopes to marry later, lest she may lose his love."

The authors do not seem to be at home in the area of delinquency. More than half of the 35-page chapter consists of quotations. If there is an orientation, it is toward the legalistic and juristic. J. Edgar Hoover is most cited, being quoted on causes, extent, and cures. The recommendations in the final summary are those listed in the *Report of the National Conference on Juvenile Delinquency.*

Throughout, the book will be of more interest to educators than to those working in other applied fields.

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State College of Washington, Pullman, Washington

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The Drug Addict as a Patient, *Marie Nyswander, M.D.* Pp. 179. New York, Grune and Stratton, 1956, $4.20.

Marie Nyswander is a psychiatrist once on the staff of the United States Public Health Service Hospital, Lexington, Ky., and later on associated with the clinical narcotic research project in New York City. *In The Drug Addict as a Patient,* she has brought

a rich background of experience to bear on a problem that is too often beclouded by the enthusiasm and confused thinking of poorly informed people.

The first chapter of the ten into which the book is divided (there is also a glossary of terms commonly used by addicts) covers the high spots in the historical development of United States laws and administrative practices dealing with drug addiction. It shows how public concern (largely expressed by physicians) over the evil effects of practically no narcotic restrictions finally culminated in the passage of the Harrison Narcotic Act in 1914; how the arrest, prosecution, and eventual intimidation of physicians forced them to neglect their patients; and how the resulting confusion led to the establishment of narcotic clinics designed to relieve the suffering of opiate addicts and enable them to continue at work. The chapter gives a good description of how and why these clinics, forty-four in number, were closed. According to the author, the New York City clinic, a very poorly conducted one, was used as an example of failure to justify the closing of others that were successful.

In summing up the general result of our changed policy, the author aptly states that the "addict, once a respectable member of the community, has become a common criminal."

A chapter on pharmacology covers briefly all addicting opiate drugs, their synthetic equivalents, demerol and methodone, and other drugs embraced by narcotic laws, as well as benzedrine, the barbiturates, and the new drug, nalline, an opiate that has proved to be an effective antidote to opiate poisoning and very useful in the diagnosis of opiate addiction.

The physiology, psychology, and social pathology of addiction are discussed in three chapters. In one of these, various interesting theoretical formulations of addiction are given.

Under incidence, the author seems to go along with what the reviewer regards as a very erroneous idea that there may be as many as 1,000,000 addicts in the United States.

The methadone substitution method is the favored withdrawal treatment for opiate addiction, but the follow-up treatment, including psychotherapy, is considered more important. A clear picture is given of the possibilities of home, ambulatory, hospital, and what the author calls ambulatory hospitalization treatment, under which the patient is gradually eased out of the hospital by allowing him to make visits and outside contacts while maintaining the hospital as his home.

In a chapter entitled "The British Approach," a London physician, Jeffrey Bishop, tells how addiction is handled in accordance with recommendations of a committee appointed by the Home Office in 1924. In England a doctor is free to prescribe for an addict (a) under gradual withdrawal treatment, (b) when it has been demonstrated that the drug cannot be safely discontinued, and (c) when it has been demonstrated that the patient is capable of leading a relatively normal life under a minimum dose of morphine or heroin but not when the drug is entirely discontinued. Classes (b) and (c) are prescribed maintenance doses, so they can continue at work and in presumably good health. Indiscriminate prescribing for anyone is frowned upon. The essential difference between British and American methods is that in Britain the Home Office "recognizes that to supply an addict with minimum maintenance doses, does in some cases, constitute a medical need." No distressing phys-

ical condition is necessary to establish this need and violators of the Dangerous Drugs Act receive comparatively mild punishment. Under the predominant medical approach Britain has a comparatively minor addiction problem.

The author quotes with apparent approval a "six point program" recommended in 1955 by the Drug Addiction Committee of the New York Academy of Medicine.

This book is recommended for physicians, legislators, peace officers, and others who are concerned with the narcotic problem.

LAWRENCE KOLB, M.D.
Washington, D. C.

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PRESIDENT, NATIONAL PROBATION AND PAROLE ASSN.

PLEASE GIVE MY GREETINGS TO THE MEMBERS OF THE NATIONAL PROBATION AND PAROLE ASSOCIATION ON THE OCCASION OF THEIR 50TH ANNIVERSARY.

THIS SPLENDID VOLUNTARY ENTERPRISE HAS MADE ITS EFFECTIVENESS FELT ACROSS THE LAND. BY ENCOURAGING PUBLIC UNDERSTANDING, RAISING STANDARDS OF QUALITY AND PROVIDING PRACTICAL HELP WHEREVER NEEDED, YOUR ORGANIZATION HAS MADE A NOTEWORTHY CONTRIBUTION IN THE IMPORTANT FIELD OF PROBATION AND PAROLE.

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DWIGHT D. EISENHOWER

NPPA

NATIONAL PROBATION AND PAROLE ASSOCIATION

Journal

Volume 3 October 1957 Number 4

Retrospect and Prospect

CRIME and delinquency—the inability of man to get along with man—are complex and changing problems, as complex and changing as our society itself. We have chosen the occasion of the fiftieth anniversary of the National Probation and Parole Association to take a critical look at developments in crime and delinquency treatment in the last half century. Each of the authors is outstanding in perspective and knowledge of the field he covers. Each illuminates a phase of the problem and we are indebted to them.

In 1907 and before, pioneering in the humanization of treatment of offenders was largely by volunteers—friends of the court, boards of institutional visitors, and others. As the nation and the problem grew, volunteer service, which had established the validity of "rehabilitation" instead of retribution for many offenders, gave way to needed professional, full-time service. But in the transition the courts and corrections lost much of the direct personal interest and participation of citizens. And a severe loss it was.

In midcentury America we find ourselves with a crime and delinquency problem costing twenty billion dollars a year, affecting directly the lives and futures of more than two million individuals and indirectly the welfare and safety of millions more. The need is greater than ever for the "volunteer," but his role is now much broader than at the start of the century. The need is clear and compelling for the mobilization of America's business, labor, and professional leadership to tackle the problem on an organized and sustained basis. And this must happen on a neighborhood, community, and state level throughout the nation. Only in this way will we move forward from piecemeal, short-sighted planning and action to

integrated, coordinated planning and action capable of achieving effective prevention and control. Recognizing this the National Probation and Parole Association, with the support of the Ford Foundation, in 1955 initiated a concerted citizen action program in a limited number of states. It is working beyond expectations.

America has demonstrated her resourcefulness in bringing about the pooling of her best experience and know-how to meet emergencies. This same resourcefulness must be applied to the vast problem of crime and delinquency. Since 1953, through a grant from the Mary Reynolds Babcock Foundation, NPPA has provided such a combination of experience and leadership in one field—the judiciary—through its Advisory Council of Judges. This approach must be extended to provide other councils of leadership in research, education, prevention, and treatment.

I would predict that if we push vigorously forward in the mobilization of citizen leadership and the pooling of our best knowledge and experience, the second half of the twentieth century will see prodigious gains in the prevention and control of a longstanding social disorder.

—WILL C. TURNBLADH

Time, Crime, and Treatment

GARRETT HEYNS
*Director, Department of Institutions, Washington**

IT IS easy to fix a definite chronology of events in correction. But how does one fix the date of the birth of an idea? And who can say just when some development in corrections had its inception? So much of what was part of the scheme of things in this field at the beginning of the century had its roots in the past, perhaps even in the hoary past. Generally speaking, the same personality factors which make for crime in the present century operated in the past. Crimes are frequently old sins with new faces. But from time to time (as now), changes in volume, in types of criminal offenses, and in public attitudes toward specific offenses take place. The changes we have witnessed began before 1900.

Conventional Crime

The offenses which the average citizen has in mind when he speaks of crime are murder, burglary, larceny, rape and other sex offenses, assault, and automobile theft—those crimes which have been termed traditional, or conventional. The "criminal" from this point of view is the robber, the forger, the burglar, the rapist. He is a person who carries out his crime alone, or with few accomplices. This same citizen is also likely to think, a bit naively, that such malefactors are usually caught, that it will be only a matter of time before they are behind bars. Nothing could be further from the truth. Only a small percentage of crimes are solved; only a few of the perpetrators caught and convicted. The last half century has seen no decrease in this type of crime. On the contrary, such crimes have increased out of proportion to the increase in general population.

Organized Crime

During the earlier years of this century most offenses continued to be "conventional." But during World War I and the years following, the nature of crime changed. These years record the rise of organized crime and racketeering. The opportunities for big stakes provided by the illicit liquor trade during the prohibition era gave rise to rum-running gangs all over the nation. From this activity, the "gang" shifted its interest easily to commerce in vice and dope, or in any commodity or enterprise promising enormous profit. This was the period of gang warfare and hired assassins. Then big criminal operators moved into control of gambling and organized crime syndicates. These gangs did not differ in essence from outlaw bands that despoiled citizens in various periods of our national history; however, in their organization and in their depredations modern gangs have gone far beyond the criminal activities of the early bands.

* Previous to August 3, 1957, when he was appointed to this position, Mr. Heyns was warden of the Michigan Reformatory (Ionia). —Ed.

Graft and Corruption

The rise of "big time" crime, racketeering, and criminal syndicates had its impact upon government and governmental officials. These nefarious promoters understandably want to carry on business with a minimum of governmental interference, particularly from law enforcement personnel. The result was large scale bribery of officials, especially local officials —a maneuver often made easier by governmental employees' low rate of pay, contrasted to the gangs' limitless treasury of bribe money. Thus this unholy influence led to extensive corruption of government officials. Racketeers also frequently forced their way into labor unions and gained control, to their own enrichment. Frequently businessmen have conspired with corrupt labor leaders to betray the membership.

However, the recent past has witnessed graft and corruption aside from that resulting from the influence of big time gangster operators. There is an odoriferous record of graft and bribery in municipal construction projects, awards of war production contracts, control of political jobs, and in all phases of governmental activity. All large cities and many smaller ones have had their exposés of graft and corruption. Corrupt politicians have risen to power and affluence in alarming numbers. Undoubtedly, as Kipling said:

> As it was in the beginning
> So today, official sinning.

Certainly there was political corruption in the United States prior to the twentieth century. Boss Tweed comes readily to mind. In recent years, however, his disciples have been disproportionate among politicians who have found ways to cheat the public.

White Collar Crime

These fifty years have also seen a great increase in what has been called "white collar crime"; that is, the activities of businessmen who increase their profits illegally in the course of legitimate business pursuits. These men live in conventional society, frequently as highly respected citizens; they pose no threat to life and limb, are law-abiding except in certain of their business dealings. They can, at least to their own satisfaction, defend their practices. If doubt is cast on their ethics, their sense of personal guilt is dulled because the action was the corporation's, of which they are merely officials, not their own. They differ from the conventional criminal in that they are not outside the pale of respectability; they are not apparently out of step with accepted mores. But their depredations are none the less enormous.

There was considerable activity of this type in the preceding century; for example, the robber barons—Gould, Astor, and others. Their twentieth century equivalents—Insull, the Van Swerigens, Krueger, Fall, Whitney—are no less pillars of respectability, but their depredations have been more extensive. Their criminal operations have ranged over insurance, munitions, public utilities, oil, railways, stocks, and banks. Lesser lights sell worthless stocks and bonds or adulterated foods, use unethical advertising, and scheme in other ways to mulct the public.

The Public's Concern

Here then we have the sordid lot: conventional criminals; racketeers, gangsters, and organized criminals; political grafters; and white collar criminals—shady characters from

both sides of the tracks, from the underworld and the upperworld. It is the criminals of the conventional type who crowd the dockets of the criminal courts and make up practically the entire population of correctional institutions. But it is the newer, untraditional criminals whose plunder is vastly greater than that which finds its way briefly into the pockets of the robber, the burglar, the forger, or the pickpocket and who therefore cause greater loss to society. And yet it is the conventional criminal of whom the citizenry is most afraid. One obvious reason is that on the whole the activities of the most recent recruits to the crime business constitute less of a threat to personal safety. It is also a fact that the general public is less likely to condemn shady business practices than less devious crimes such as burglary. The organized criminal also seems farther away from the ordinary citizen's milieu—we are not usually aware of his dipping into our pockets.

One conclusion should be very evident from this sketch: with the change in criminal pattern, not all of our criminals come from the other side of the tracks, the products of broken homes and poverty-stricken areas. The white collar offender frequently has had all the advantages of respectability, education, wealth, and position. Yet he violates the law no less than the stick-up man. He certainly does more to destroy social morale and organization. Those concerned with accounting for criminality will have to concern themselves with the white collar gentry as well as with the conventional offender. We can go to the prisons to find some whom we would put under our microscopes, but we will have to look nearer home for many others.

Reasons for Increase of Crime

Thus we are confronted with an upsurge in crime and an increase in types of offenders. And an at least partially aroused public joins the social researcher in asking the inevitable "why." Why so much crime? It is hardly possible within this brief survey to discuss causes of crime. Nor is it pertinent. The same general causes which were operative before are present today, although there may be a difference in climate. But it is pertinent here to ask not what causes crime, but why crime has increased.

There are many conditions inherent in our present social processes which make for increased crime, and which, while not new, loom larger today—and operate now at a more accelerated pace—than formerly. Our prevalent materialistic philosophy, which emphasizes the possession of things, and stresses wealth as the measure of success, is one. Another is the vastness and complexity of our society, leading to anonymity in city life and an attendant weakening of social control. Human relations become impersonal; this fact in a highly competitive, socially mobile environment leads to emphasis on self and utter disregard for the interests of others. Moral codes which were effective when life was simpler have broken down.

The very existence of white collar crime has a demoralizing effect upon those who lack material possessions. Add to this situation the demoralizing effect of two world wars and a deeply disturbing depression. Then place in this environment persons who have built up no moral, ethical, or religious standards to control conduct, who are impelled by an "only suckers work" philosophy, who are interested only in their own acquisitions—and the so-

cial stage is set for wide criminal activity.

Unfortunately the numbers of adults engaged in illicit activity is constantly being fed from below. Those causative factors most frequently adduced for juvenile delinquency are still with us, causing little concern to a largely indifferent society—poor housing, bad neighborhoods, unsatisfactory conditions in the home, lack of proper recreation, and community resources ill equipped to meet the problems of youth. And so we have delinquency problems all over the country taxing the facilities and the personnel of our juvenile courts. Inadequately guided, counseled, or treated, their problems neglected, juvenile delinquents grow up to join the ranks of adult offenders in large numbers.

And the adult offender who has served a prison term frequently commits new offenses.

Add to these two groups those new criminals created by the fact that we are constantly passing laws to create new offenses or changing misdemeanors to felonies. Remember, too, that our law enforcement is often inadequate, our legal machinery is frequently archaic, and our courts are generally understaffed—all complicating the situation still further.

We have, then, this picture: A large and increasing number of persons are engaged in illegal activities; our present methods of handling the criminal have made no appreciable decrease in criminal activity; the large percentage of recidivists among adult offenders indicates that methods of handling those who have come within reach of the long arm of the law have not been generally effective; and finally, the ranks of adult criminals are augmented by adults who have never been in trouble before, or have been only as juveniles.

This situation appears to call for two types of action: wiser and more effective treatment of those who have been apprehended and convicted for the commission of crime, and concerted and well-planned activity aimed at the prevention of crime and delinquency.

Treatment

The fact that many inmates of correctional institutions are repeaters indicates that examination of our procedures for treating those convicted of crime is necessary. Society does not appear to have been successful with its past policy of vengeance and repression.

Those who would direct the entire correctional process toward a program of training the prisoner to take his place in society as a law-abiding citizen assume, of course, that he is treatable. That seems a fair assumption. It is true that offenders are often more unstable, frustrated, or aggressive than nonoffenders; it has not been demonstrated that psychologically they are significantly different. A large percentage of convicted persons can benefit from corrective treatment. This is particularly true of first offenders, who constitute about 50 per cent of those convicted. Many of these require no special treatment and readily see the error of their ways. For others, their special problems can be discovered and rehabilitation attempted. While not all those treated will become outstanding citizens, at least they can be trained to conduct themselves so that they will not again be involved in offenses against the law. Admittedly there are in prisons offenders—perhaps 20 to 30 per cent of the inmates—who are

dangerous and will not readily respond to treatment. Even for them it is not realistic to adopt the attitude that there will never be improvement.

In general, penologists have had sufficient experience to know that a wise program of treatment can produce desired results.

Men have been concerned with the correction of the prison inmate since these institutions came into use as places to house the offender. Those who held that offenders should be imprisoned under a harsh regimen as punishment for their offenses undoubtedly felt that such punishment would lead to the reform of the criminal. Experience has shown that offenders cannot be scared into being good. Punishment alone does not deter either the offender from repeating or others from offending.

Those concerned with the matter gradually concluded that to keep a man out of prison, he himself must be able to stay out by his own efforts. This meant a departure from a mass to an individual approach in order that his problems might be discovered and proper treatment applied. This program calls for helping a prisoner to solve his problems, physical, emotional, vocational, or whatever they be, so that he may leave the institution better fit to lead a law-abiding life, with work habits and skills improved, better attitudes, a deeper sense of responsibility. This does not mean, however, that those who advocate such a program disregard society's right to protection from the offender. They hold that since the vast majority of inmates will leave the institution at some future date, society is best protected if the man can be released fit for citizenship. Nor does it mean that they fail to see the need for restraint or maximum security in some cases. They contend that a program aimed at the rehabilitation of the inmate is the wisest for both society and the individual offender.

This modern approach to the treatment of the offender was set forth in the 1870 Declaration of Principles of the American Prison Association (now the American Correctional Association). The same kind of thinking was fundamental to the reformatory movement which began in America about the same time. It was not, however, until after the turn of the century that this idea of treatment was more generally implemented.

Diagnosis

Treatment does not, however, begin with institutionalization. It can, and usually does, begin in the courts. Because of indeterminate sentence laws and other facilities, most courts have wide discretion in the disposition of the offender's case, so that the needs of the particular situation can best be met. Thus the offender can be placed on probation, or committed for a term and to an institution that seem best to meet the situation. In many jurisdictions the judge is helped in reaching his decision through the presentence study made by a probation officer.

Probation is admittedly the most desirable and the least expensive form of treatment. The case for this device need not be argued here. The fact is, however, that the use of probation is today not as extensive as it should be, and that probation offices in many jurisdictions lack sufficient trained personnel.

For those for whom institutionalization has been regarded as the

proper disposition, a large number of correctional institutions today provide a program aimed at the rehabilitation of the inmate. Unfortunately these programs may vary in depth, extent, and effectiveness; nonetheless such institutions emphasize not punishment, but the return of the offender to society as a useful citizen.

Involved in this program is a careful diagnosis of each prisoner on arrival. This is done in some jurisdictions at the institution to which he has been committed by the court; others have established reception centers for the study of all inmates prior to sending them to an appropriate facility. The purpose of this diagnosis is to gain knowledge of the man and his problems in order to apply proper treatment. The services of the various disciplines concerned with human behavior—psychiatry, psychology, social casework, and other specialties—are called upon. Their findings are the basis of recommendations for an appropriate program and treatment. Thereafter the classification committee, the institution's agency for an individualized approach to the inmate, marshals the available facilities toward carrying out the recommended program. An adequate treatment program calls for psychiatric, psychological, medical, dental, and counseling services, individual and group therapy, academic and vocational schooling, religious education, a variety of work experiences, recreation, reclassification. Discipline must be wise and understanding, planned with a view to carry over into free life, and administered by a well-trained staff.

When the appropriate time arrives, treatment is continued through parole, for which individuals are carefully selected. Then follows reintegration into society. Parole supervision includes using community facilities to assist the parolee in re-establishing himself as a useful citizen.

Not all American penal and correctional institutions are equally well staffed and equipped to carry on a program of individual treatment, but practically all of them are moving forward. In general this approach to the individual offender has not been in operation long enough to assay results. In some states there has been an appreciable decline in the parole violation rate. However, there can be no doubt that because of this type of individualized treatment many a man has been returned to society better able to meet his problems, better equipped for his place in the industrial world. That in itself is a worthy achievement.

Obstacles

Admittedly this program still has many limitations. Diagnosis has perhaps outstripped the development of treatment programs. However, we are still a long way from being able to identify the peculiar problems of the man under study. Until we are able to do this, we will fall short in the development and application of treatment methods. This establishment of reception centers for the study of each man upon arrival and the prescription of treatment is a hopeful sign; we still need to know more about the man in trouble, about causative factors, before these agencies can make accurate recommendations. The consequence is that these centers are at times unrealistic in their recommendations; they often tend to forget the milieu in which they are operating, the limitations of the rehabilitative facilities of the institutions to which

men are subsequently sent. Institutions too frequently lack many of the facilities necessary for an effective corrective program. Industrial training is at times unrealistic, in that the skills taught have no counterpart in the community to which the inmate is to return. Frequently there is not enough opportunity to work to keep each prisoner busy, and idleness can undo all efforts at rehabilitation. Most institutions, in spite of the sincerity and energy of their administrators, are woefully lacking in proper personnel—psychiatrists, psychologists, teachers, counselors, and trained custodial officers. This lack of personnel applies also to parole and probation staffs. Finally, many an institution has as yet not entirely succeeded in indoctrinating its staff with faith in and enthusiasm for the rehabilitative program.

Unfortunately for the treatment program, political influence has not yet disappeared from the corrections scene. Success in treatment depends in large measure upon the enthusiasm and understanding of all personnel. If any member of the staff can be summarily removed and replaced by others less competent or informed, the program will bog down. If through political influence an inmate receives preferred treatment on probation, in the institution, or for parole selection, others will doubt the institution personnel's genuine interest. It is vital to the success of reconstructive treatment that inmates believe in the sincerity of the staff. The program must be left in the hands of those responsible for administering it; they must be free to make their own determination according to their best judgment. There is no room for political influence.

The public must give the returned inmate a fair chance to re-establish himself. It should realize that for its own protection such a chance must be given. A hostile or indifferent attitude on the part of the public can nullify all that the institution has done by way of training the inmate for return to normal living and will deprive it of the protection it might have had. Parole success, and for that matter success on probation, depends upon the cooperation of an understanding citizenry. Much public education is still necessary in order that some disabilities of the returning inmate imposed by public attitudes may be removed.

Because the institutional treatment program is not always successful, because parole selection may err, or supervision be inadequate, at times some released prisoner turns again to crime. When he does commit an appalling offense, the public is aroused and directs its hostility toward the institutional program of rehabilitation. It asserts that the prisons make life too pleasant, that a harsh regime would be more effective as a deterrent. Such criticism is understandable, but ill conceived; it should not rock treatment program advocates off balance. The public should know that conclusions about modern treatment were reached not through sloppy sentimentality, but after long and serious experience with the problem of reducing the incidence of crime. The other philosophy—retribution, harsh punishment—has been tried and found wanting.

There are those who maintain, without even the impetus of a specific horrifying incident, that if life in prison were decidedly disagreeable, if prisons were unrelieved dungeons, they would serve more effectively to deter crime. The people should un-

derstand that it is not the function of correctional institutions to deter crime in general. That is the task of other social agencies and of society at large. The concern of the penal institution is to prevent repeated crime by those in the institution. It cannot attend to this function if it is asked to concern itself with another. It is concerned with men who have already violated the law and its task is so to treat them that they will not again be involved in criminal acts. Harshness is not in tune with treatment that aims at rehabilitation. To quote from the Declaration of Principles: "A system of prison discipline, to be truly reformatory, must gain the will of the prisoner. He is to be amended, but how is this possible with his mind in a state of hostility? No system can hope to succeed which does not secure this harmony of wills, so that the prisoner shall choose for himself what his officer chooses for him." Thus a prison which aspires to be harsh in its methods in order to serve as a deterrent cannot serve effectively as an agency for rehabilitation.

Prevention

But departments of corrections should be interested in crime prevention. Corrections personnel, out of their experience with criminals, can help educate the public with regard to the necessity of prevention programs. They should have research departments to study crime and its causes. They should open their facilities to other competent researchers. And some bureau within the department should integrate the activities of local units concerned with the prevention of crime and delinquency.

Treatment of the offender, while it has met with some success in individual reformation, has little impact on the total crime picture because these efforts at rehabilitation are brought to bear on only a limited number of offenders; only a minority of serious offenders are caught and convicted. The others are never touched by corrective treatment in prisons or on probation.

The sad fact is that the army of criminals is constantly receiving new recruits. Even though those engaged in corrective treatment must continue to bend every effort toward the rehabilitation of the offender, there will be no great change in the crime picture until this recruitment process is stopped.

During the past half century increasing emphasis has been placed on the necessity of crime prevention. It seems logical to assume that if we are to reduce crime, we must prevent the making of the criminal. For this, we must concentrate on the young.

Early in the twentieth century the first White House Conference did much to arouse interest in the welfare of children. Since then there have been many developments. Many agencies have been created with the aim of assisting the child to become a well-adjusted citizen. Among them are the juvenile court, with methods and personnel for handling children's problems; community citizens' organizations; recreation centers; child guidance clinics; visiting teacher programs; casework and group work with predelinquents. Councils have been established to coordinate the work of various agencies in one area trying to prevent juvenile and youthful delinquency. Furthermore, many general and specific studies have been made of delinquent youth.

Our hope lies in preventing the child from growing up to be a crimi-

nal. Despite lively public interest in the welfare of youth, prevention programs have not yet made much of an impact upon the reduction of crime; the number of youthful offenders coming to reformatories and prisons shows no diminution. Statisticians tell us that the increase of youths caught violating laws is out of proportion to population growth.

We should not, perhaps, expect too much from new, virtually untried methods. It must be borne in mind that the agencies seeking to prevent crime are insufficiently financed and inadequately staffed. But other factors hamper the success of crime and delinquency prevention programs.

There is no universal agreement, for instance, on methods. We are as yet pretty much in an experimental stage. We make claims and proposals, but we have not got enough data to demonstrate the wisdom and efficiency of our strategy. Furthermore, there is a general lack of coordination among the many agencies in prevention.

The chief problem, however, goes deeper. We do not yet know enough about the delinquent child and the criminal youth and adult, about just what makes him delinquent or criminal. We do not know enough about causative factors, or about behavior-forming processes. Studies are being made in these fields, and, hopefully, those concerned will soon know why people behave as they do. Until this knowledge has been gained, our efforts at prevention will be out of proportion to results obtained. Until that time comes, agencies must go on operating and experimenting, partly on a trial-and-error basis, while scientists continue their research and study; for it is vital to the happiness of mankind and the success of democracy that ways be found to reduce crime and delinquency. And it would seem wisest to intensify the efforts put forth with respect to delinquent children and youth.

Another factor vital to the success of prevention programs is public interest in this activity and public concern with its success. As yet the average citizen is not too concerned. He is aghast at some act of youthful hoodlumism in his neighborhood, but as soon as the police move in, his mutterings become less audible and he soon forgets that the problem continues because it does not at the moment touch his life. This same average citizen looks to public and private agencies—church, school, government, police—to remedy all social ills. He does not consider that he as an individual has a role to play. A little child, we are told, will some day lead the wolf and the leopard and the young lion; meanwhile it might be helpful if a man would lead a child. One of the experiences missing from the life of almost every delinquent is a satisfactory association with a well-balanced, interested, understanding adult. Progress in prevention will come about only when citizens become deeply concerned with it and accept their individual responsibility for prevention as part of their lives, their way of living.

What Now?

Today, then, the emphasis is on reducing the number of offenders through treatment of the man already convicted, so that he will not repeat, and attention to the youth or juvenile who needs it to keep him out of trouble. We approach the individual, and we aim to rehabilitate.

As I have indicated, much must still be done to make the program effec-

tive. More must be learned of human behavior, of treatment techniques. Efforts at prevention have been sporadic; they must be continuous and concerted. Undoubtedly there is no simple solution or single approach. Very likely we must make it from many sides with many types of treatment.

In addition much more must be done toward public education so that citizens will realize the seriousness of the crime problem and support attempts to solve it. The public must know of the need for more money for research, buildings, equipment, and personnel, both for penal institutions and for other social agencies.

It must know, too, how deep is the erosive effect of crime on our national welfare. This goes beyond the tremendous cost of crime. Our very existence as a democracy is threatened if this criminal activity continues to increase. Successful democracy is based upon the intelligent participation and the wholehearted support of its citizens. Its operations are threatened by wholesale disregard of its laws and indifference to its ideals. We need higher standards of success than the mere possession of things. For, to quote Goldsmith:

Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay.

Criminal Courts and Adult Probation

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THE quality of justice in our society in large part is determined by the work in our courts. It is there that the convicted offender receives the basic decision as to the form and measure of treatment or punishment; it is the judge who decides whether the offender will be committed, fined, given a suspended sentence, or placed on probation, and it is he who determines the conditions or extent of any of these forms of sentence. After conviction of one charged with crime, justice will be accomplished by effective work done in correctional institutions or by probation and parole services. The proper concept of justice requires recognition of the importance of treatment following sentencing, with no minimizing of the central position of the role of the court.

How did the picture of justice in the criminal courts appear fifty years ago? The answer is given by consideration of, first, the kinds of offenses being committed, and second, the ways in which the judges disposed of them.

With respect to the kinds of crimes, the most significant development has occurred in the federal system. Fifty years ago the federal courts were receiving for sentence violators of laws dealing with currency, the postal service, smuggling, and a few other similar matters. There was practically no federal prison to speak of. Since then, especially in the twenties and thirties, federal criminal law has expanded to keep pace with the great growth of business and tax regulations, and a substantial number of criminal laws were added to cover situations involving interstate commerce.

There was less growth of criminal laws in the states. Yet, as Roscoe Pound points out in his *Criminal Justice in America,* industrialization brought about a marked growth of urban population, and the consequent increase in the "points of contact between man and man" led to a multiplication of penal laws: the number of crimes for which one may be prosecuted has at least doubled since the turn of the century. Whole new chapters of the criminal law have been created to deal with situations peculiar to big city life. Technological advance has affected the crime rate; for example, the general use of the automobile has produced increased opportunity for crime and has added difficulties to the prevention and detection of crime.

The Impact of Probation

Undoubtedly the most important development in the changing face of justice in the criminal courts was the invention and spread of probation. Fifty years ago the common law practices of sentencing were basically what they had been before—a judgment based on the trial judge's notions of justice and punishment, without any

other guide or scientific data. It may have included some personal knowledge of a defendant, his family, and the community, but there were no other resources and no other guides.

The introduction of probation, however, with its special and well-developed function of presentence investigations, changed not only the resources of the judge, but also his attitude toward sentencing. He was given opportunity to make a scientific, objective approach to the sentence, as compared with the previous approach so conducive to sentencing by "hunch."

In 1910 only thirteen states had probation laws applying to adult offenders. Since then, thirty-three more states and Congress, for the United States Courts, have enacted such laws; today only two states do not have general probation statutes for adult offenders.

Although probation caused a radical change in possible approaches to sentences, its introduction did not mean that the judge always accepted the help willingly or readily. In the United States Courts the power to use probation and to appoint officers was not authorized until 1925, forty-seven years after enactment of the first state probation law. By that time thirty states had followed suit. In part the difficulty lay in the fact that many United States judges first were opposed to probation, regarding it as a grant of unwarranted leniency and, perhaps more significantly, as a compromise of judicial prerogatives.

A survey by the Attorney General of the United States in 1939 reports on the attitude of judges toward probation. Although a majority supported probation substantially, about 30 per cent favored its restricted use, some stating that in many jurisdictions it was being given to too many persons. Other criticisms pointed to the inadequacy of probation staffs and to the use of probation as a form of political patronage by some judges. Today there still remain some judges who are negative about the use of probation.

I doubt that many courts or judges today would express the view of a United States Court in 1926 that probation is to be used "only as a matter of extraordinary grace justified by extraordinary circumstances." Yet we are so far from adequate use of probation that Kenyon Scudder, formerly a chief probation officer and also a highly experienced superintendent of a correctional institution, tells us: "Our courts can safely double the number now granted probation. . . . I am convinced that half the first offenders sent to Chino could have made good on probation if they had been given fair opportunity. Many of them would never have been sent to prison except for outmoded laws, a sensational press, or pressure from an uninformed hysterical public. Judges in no small number are still influenced by judicial precedents, the demands of prosecutors, and the still prevalent public insistence on punishment for retribution and deterrence. This demand, based on fear and prejudice, is by no means consistent; it applies to a minority of serious crimes and is capricious and emotional."

The Probation Officer

It is striking to see that the principles of probation stated in accounts written fifty years ago have hardly changed. There are certain changes of note, however, in the status of the

probation officer and in the status of the casework process underlying what he does or should be doing. Today in many communities he has earned a truly professional standing by virtue of training and performance and has become a highly regarded public servant, influential and effective in the process of rehabilitating criminals.

Fifty years ago social work was emerging as a profession. The early schools of social work devoted substantial portions of their curricula to the corrections field—more than they do today, in fact. The National Probation and Parole Association, as a professional and standard-setting organization at the time of its founding in 1907, established a close relationship to the National Conference of Charities and Correction, later called the National Conference of Social Work and now the National Conference on Social Welfare. Irving Weisman writes in the current *Social Work Yearbook* that "between World War I and World War II the effect of psychiatry on social work was to change the emphasis from environmental manipulation to interpersonal relationships. Questions were raised about the validity of social work in the authoritative setting, where the client did not seek help. It resulted in a gradual withdrawal of professional social work interest from the corrections field. In recent years, as psychiatry has found that the use of authority and control is consistent with the treatment needs of certain individuals, social work has come to accept the validity of the use of authority, hence casework in corrections, although sometimes with reservations."

The doubtful attitude of some judges toward probation might be explained by the fact that the training and qualifications of probation officers were far from the professional level. In many jurisdictions officers were selected and appointed by judges on the basis of such "qualifications" as sympathy, some education, and an assumed knowledge of human nature and ability to handle people. Even the most sympathetic judges expected nothing more from a probation officer than tactfulness, sincerity of purpose and firmness in carrying out duties, a good personality and physique, or a working knowledge of the law.

It is true that qualified probation officers cannot now, as they could not then, be easily obtained for the low salaries offered. Nevertheless we are moving ahead in developing better standards of competency for probation officers. More and more we select on the basis of merit rather than friendship or politics.

In turn the competence of officers is improving the attitude of judges. With increased confidence in the ability and caliber of the probation officers, judges are taking advantage of the valuable assistance that is given to them. But the judges themselves must do much more than use probation service. They must help to raise it to a level closer to today's needs. I fully share Will C. Turnbladh's views on judicial responsibility for improvements in probation service:

> It is . . . clearly the judges' obligation and duty to demand the staff they need. They will express that demand — unequivocally and consistently — only if they see clearly that the sentencing process is no less a part of justice than the adjudication process and that they must have staff for the former no less than for the latter.
>
> I know the reaction of the judges who have repeatedly called for increased appro-

priations for their probation staff and have been repeatedly and casually ignored. I have seen judges devote themselves wholeheartedly and vigorously to informing their communities of the importance of the probation service.

But perhaps even they have not recognized fully the status of probation service as an integral part of the administration of justice and have failed to crystallize their *right* to it as plainly as they have endorsed the soundness and merit of the service.[1]

Obstacles and Goals

Despite these developments we inquire: why has probation not fully achieved its goals?

On the face of it, probation should by this time have made an appreciable impact on our prison system. But our prison system has hardly changed at all in the last fifty years and the problem is as difficult and as pressing as ever.

Except in a few places, probation has not served to reduce the prison population. We have expanded our prisons continually. Today we have a larger percentage of prisoners (in relation to the general population) in our state prisons and reformatories than we had fifty years ago, and the percentage then was larger than it was one hundred years ago. The trend seems to be getting worse as it continues.

Partly this is due to the still existing limitation of probation service. Evidence of its arrested growth is all around us:

Less than one-third of the nation's criminal courts have probation service which can be considered adequate. In a little more than one-third, what exists is, at best, a token service; the remainder have no probation service at all.

If probation is to achieve anything like its potential, we must establish caseload standards based on a realistic appraisal of the officer's duties and responsibilities and the time and working conditions required to carry them out effectively. The officer should have a manageable caseload, one that allows him to devote at least one hour a week to each probationer and a similar amount of time to collateral contacts such as the family, relatives, clergymen, employers, and other agency representatives who can reinforce the probationer in his community adjustment. Time must be allowed for travel, case recording, training, and cultivating a knowledge of neighborhood and community resources. It is obvious that the probation officer has more than a full-time job with a caseload of fifty probationers. Accordingly, we are modest in our estimate when we say that, to carry the existing load, the nation needs six times as many probation officers as we have.

But the extension of probation service to courts that do not have it and expansion of its use where it now exists can by no means be the complete answer. Probation is fairly well developed in many communities and states, but even there the trend to greater use of imprisonment continues. Why? One answer may be that increases in probation grants are made up largely of the obviously safe cases, those for whom fines and suspended sentences were previously used. If that is so, the increased incidence of probation would not reduce the number of prison commitments. In any event, as I see it, we can reduce the prison population only by (a) checking carefully to determine whether we judges should grant pro-

[1] Will C. Turnbladh, "Half Justice," NPPA JOURNAL, October, 1956, p. 307.

bation to many persons now being committed to prison, and (b) increasing the use not only of probation, but of the other forms of community treatment—fines and suspended sentences—as well.

Extensive use of the fine in England has demonstrated its value in a remarkable reduction of institutional commitments. The British courts use fines far more than we do and they have discovered that it is no threat to the community. Cicely M. Craven's report on the subject shows the striking effects of this measure in a "most dramatic reduction in the prison population" during the last forty years.[2]

More frequent use of suspension of sentence without probation, like the fine, is part of the answer to the prison problem. The national average use of probation is probably about one-third of felony convictions. Many of our informed students of crime tell us it can safely be two-thirds, and that public security would not be damaged with that percentage of usage.

We achieve success even now with many probationers who receive little or no actual help or guidance from their overworked probation officers. Can we not assume that these offenders would have been equally successful if they had received suspended sentences, without probation? When we speak of trying to achieve greatly increased use of probation, we are really referring to both probation and suspended sentence.

There are cases in which the risk of failure on probation involves sufficient threat to the community to warrant commitment to penal institutions—unless there is a skilled probation service to minimize the danger. In the absence of enough skilled probation officers, these borderline cases are often committed to penal institutions. On the other hand, much of the average probation caseload is made up of the obviously safe risks, persons who do not present difficult problems of treatment or whose behavior is not a threat, particularly not a physical threat, to persons in the community. If they were released without supervision—if they were given suspended sentences instead of probation—the staff could devote a far greater proportion of its time than it now can to the difficult cases, those for whom expert casework service is sorely needed to avoid commitment.

This does not imply that with caseloads reconstituted as suggested, we now have enough well-trained probation officers to do the job that has to be done. Most positively we do not. But only by some such redistribution of judicial dispositions can probation begin to make its proper impact on the prison problem. Such a course has not been regularly followed, except in a few instances. Perhaps that is why the prison problem becomes more acute every year.

Court Organization

On the whole, the organization of criminal courts has not changed since the beginning of the century. Judges are selected now by very much the same methods that were in operation fifty years ago, and there has been little change in their qualification or special competence in the criminal side of the law, except to the extent that they have been guided by effective probation practices. Of course there have always been outstanding judges who through their natural im-

[2] Cicely M. Craven, "Criminal Justice in England," *Canadian Bar Review*, November, 1949.

pulses, humility, and wisdom have a basic understanding of the fact that most criminals can be rehabilitated through a proper course of treatment. By and large, there is no doubt that the judicial contact with probation has meant the education of the judiciary in sentencing and corrections.

Among the few changes in court organization is the development toward specialized youth courts and youthful offender procedures. One of the earliest youth courts was the Boys' Court of Chicago, created in 1914 as a branch of the Municipal Court, with jurisdiction over minors over sixteen. The Supreme Bench of Baltimore City has a separate part of the criminal court for offenders sixteen to twenty-one. These courts use more or less the regular criminal procedure. A more decisive change occurred in New York in 1944, with passage of a special youthful offender procedure applicable to youths between sixteen and nineteen, who receive a noncriminal adjudication. The various youth authority acts have made some changes in sentencing laws, applicable in certain cases to those over twenty-one years of age.

Judicial organization through judicial councils and conferences has given some recognition to the problems of sentencing and probation. The Supreme Court of the United States and the Supreme Court of New Jersey have promulgated rules governing probation and sentencing that have helped development of standards, and through rules and the exchange of ideas are making for greater uniformity of practice.

For the full development of probation, one of our most pressing needs is judicial leadership.

As chairman of the Advisory Council of Judges of the National Probation and Parole Association, I want to make brief reference to this group, whose establishment four years ago I regard as one of the important events in the last half century in the advancement of criminal justice administration. In this group, we have practical judges, most of whom are daily coming face to face with problems of sentencing. The publication this year by these judges of *Guides for Sentencing* is a contribution to the advancement of judicial education.

Prospects

The requirement that authors—and readers—of articles in this issue of the JOURNAL look back in history gives us a perspective that is useful for what we do today. Many things are new, and much is old. Changes will occur in the next fifty years, just as they have occurred in the last fifty years. What can we expect? What can we strive for?

According to one source,[3] only 10 per cent of probation officers have completed social work training. At the present rate, the percentage will be very slow to increase. Twenty-eight schools of social work graduating a total of 1,930 students in 1953-1954 reported that only ninety-two of this total were employed in correction settings three years later,[4] and not all of these were in adult probation. This presents a challenge to the schools of social work. But it is not a challenge to them alone. Local communities and states, and perhaps the federal government as well, must sup-

[3] *Social Workers in 1950*, Bureau of Labor Statistics Report, New York, American Association of Social Workers, 1952.

[4] Ernest F. Witte, "Recruitment and Retention of Personnel," NPPA JOURNAL, April, 1957, p. 115.

port schools, students, and probation officers in advancing educational opportunities.

Although almost all states have adult probation laws, many are still too narrow. Many laws arbitrarily exclude certain offenses or recidivists. Some are rigid in the conditions required to be imposed. Many are deficient in not allowing the judge discretion to discharge offenders before the end of the probation term. The Standard Probation and Parole Act presents goals that most states have not reached.

Probation for misdemeanants is another area that requires further development. The majority of crimes committed are misdemeanors, and the problems of those who commit them are often as serious to the community and the defendants themselves as are those of felons. Yet it can be said that today, "The sentencing procedures and techniques applicable to the misdemeanant are the great blighted area of American criminal jurisprudence."[5] A felon may make probation, whereas a misdemeanant convicted of a lesser offense and fully as deserving of a chance of rehabilitation must serve time in prison. The main defect is inadequacy of probation service. Unfortunately, there is less clamor for improvement in these courts than in the courts with general felony jurisdiction.

The passage of time does not in itself guarantee progress. We must seek improved judicial organization, training resources, and necessary public funds. With enlightened support of leading jurists and of public-spirited citizens, interested at once in the welfare of the individual and the welfare of society, we can press forward to goals already in sight and, we trust, not too far distant.

[5] Thomas Herlihy, Jr., "Sentencing the Misdemeanant," NPPA JOURNAL, October, 1956, p. 360.

Penal Institutions

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THE changes in our way of life in the last half century have been almost convulsive. In transportation—the Diesel engine, the automobile, the airplane; in communication—the long-distance telephone, the radio, and television; in household comforts—the electric washing machine, vacuum cleaner, and air conditioner; in health and medicine—vaccines and antibiotics that have increased the average life expectancy by several decades.

One would expect that this extraordinary period of inquiry and progress would have witnessed equally significant changes in our adult penal institutions. But our rate of prison commitments is probably the highest in the world. Our tremendous material progress has not been matched by advances in civic virtue and conformity to the rules of the game which we call the criminal law. We still have prisons, though many people contend that they do more harm than good. We have made many changes in their conduct during the last fifty years, but we have not been able to "break down the walls" entirely and substitute some more appropriate and effective measure of punishment.

Origins

How did we get started using prisons in the first place? Probably because there wasn't much else we could do. The wholesale execution of criminals—the prevailing practice 150 years ago in Europe and England—caused revulsion in public feeling. The next step was expatriation—sending criminals to the "islands of the sea"; it was so fraught with evil that it had to be discontinued. Other punishments—for example, torture, disfranchisement, forfeiture of property—were tried and gradually abandoned; eventually the prevailing form of punishment became imprisonment.

First built merely as places of detention where men were to be kept until something more punitive could be done to them, prisons gradually developed into places of permanent segregation. Conceived as punitive, they could not be designed to be attractive; they were built for permanence, not for comfort, as illustrated in this description of the Massachusetts State Prison at Charlestown in a document dated 1811:

> The foundation is composed of rocks, averaging two tons in weight, laid in mortar. On this foundation is laid a tier of hewn stone, nine feet long, and twenty inches thick, forming the first floor. The outer walls are four feet and the partition walls two feet thick. . . . The second story is like the first, except that the outer wall is but [sic] three and one-half feet thick, . . . with windows double grated with iron bars two inches square. . . .
>
> Competent judges pronounce this to be among the strongest and best built prisons in the world. It has these advantages over other buildings of this kind: it can neither be set on fire by the prisoners nor be undermined. The walls are built of hard flint stone, from six to fourteen feet long.

It took the state of Massachusetts just about 150 years to "undermine" this pile of granite and iron (although I must confess I don't see how the venerable structure was demolished by anything less powerful than an atom bomb).

Obstacles

Many of our state prisons were built, like this one, for security only, and, like the traditional view of punishment by imprisonment, have been hard to uproot and replace. That view—in its old age it is still amazingly robust though not as ubiquitous as in its heyday—is that punitive imprisonment not only prevents the offender himself from repeating the offense, but also, by its emphasis on misery and suffering, deters others similarly inclined to crime.

What we choose to call progress in penal treatment has been blocked first by the expense and difficulty of replacing the steel and stone prison with a more appropriate structure, and, second, by the stubborn survival of the notion that we must not make prisons places of asylum and comfortable retreat.

It has taken a long while to convince people that punishment alone does not make criminals better, that it may merely make them more cautious. Almost all prisoners are eventually released, and no protection has been obtained if they go out, after a short or long period, worse than when they went in. Imprisonment must be constructive, not destructive. The deprivations that come with residence in a penal institution must be accompanied by sound and persistent efforts to improve the inmate's character and enhance the chances of his being able and willing to live without breaking the law.

Another difficulty is the multiplicity of penal jurisdictions—forty-eight states, the District of Columbia, and the federal government, plus about 3,100 counties, each of which maintains at least one jail and occasionally a short-term institution such as a workhouse, a road camp, or a county farm. There is an inevitably wide disparity in the character and adequacy of these varied systems; what the American prison does with and for the inmate varies with the character, the population, the climate, the penological tradition, and the present philosophy of each jurisdiction.

Federal Example and Leadership

It is nevertheless true that with the greater ease of communication a certain standard of correctional philosophy is developing in America. This has been encouraged by the example of the federal government's well-financed and splendidly staffed prison system. Federal leadership of prison reform is one of the outstanding features of penal history of the past half century. The federal prohibition amendment, the Dyer Act to reach automobiles stolen in one state and transported to another, the legislation aimed at control of narcotics, the national bank robbery and kidnaping act, and other legislation that grew out of the greater ease of transportation and the states' dependence on one another in coping with the criminal problem have brought about the establishment of a great federal prison system. But federal offenders constitute only about 15 per cent of the total number of criminals in the country; responsibility for segregation, discipline, and treatment of the great majority of lawbreakers is left to the states. The next few pages recite some of the important changes

which have taken place in our penal systems during the past half century —in general terms, and with the reminder that they speak of the best and most progressive jurisdictions, rather than of those where lack of appropriations, public apathy, political influence, untrained personnel, and public prejudice have retarded progress.

Here then are some indications of progress, as I see it, in the treatment of prisoners during the last fifty years.

1. They All Come Out

As a whole we have made progress in an improved attitude toward our prisoners. We have taken to heart the slogan, "Men go to prison *as* punishment and not *for* punishment." Our press and public generally are inclined to insist that criminals, no matter how bad, are entitled to humane treatment; and that, while the temporary purposes of a prison may be to protect the public by removing a dangerous individual from circulation, to teach him discipline, and to deter potential criminals, the primary purpose (which, by the way, requires more intelligence, perseverance, and optimism than any other) is to rehabilitate the prisoner.

2. Indeterminate Sentence

Most states have, in one form or another, introduced an indeterminate character to the sentence—which is consistent with the idea of reformation, and obviously necessary if the prison is to rehabilitate. The court nowadays usually confesses its inability to determine the exact amount of incarceration necessary either to punish or to reclaim an individual. Although at the turn of the century the indeterminate sentence was employed almost exclusively for the few reformatories then in existence, it is now a widely accepted method. In theory of course this keeps an incentive before the inmate not only to obey the rules in prison but to show that he is ready to go out and assume the responsibility of a law-abiding citizen.

3. Architecture Has Improved

As a matter of fact architectural design of prisons couldn't have been much worse than it was. But once the assumption was made that prisons are, at least partly, constructed to improve or redeem, the older generation's menagerie construction had to be changed. Many states have built penal institutions which, without sacrificing security, lend themselves much more easily to a modern program of work, education, proper medical and psychiatric treatment, and secular and religious guidance. The federal government, California, Massachusetts, New Jersey, and Pennsylvania, for instance, have built correctional institutions which can really be classified as correctional rather than punitive.

Even if it does cost money to demolish the old and erect the new, most citizens today would be inclined to agree with the late Alfred Hopkins, the architect who designed the Federal Prison Bureau's modern penal institution at Lewisburg, Pa., the first in a new series. Said Mr. Hopkins:

> Is this beneficent influence of beautiful building upon the offender a thing to be lightly treated? For his sake let us abandon the ill-considered prison plan and the ill-intentioned prison design. . . . The effect upon the personnel of the prison by creditable structure is immeasurable. The effect of environment is just as noticeable and far more important upon the prison official than it is upon the prisoner. . . . The

design of the prison becomes one more influence for the regeneration of the prisoner; it becomes one more factor in building up the morale of and widening the scope of those who, as the long years go by, will come to exert their influence upon him, an influence which modern penological thought has proved should be wise and tolerant.[1]

There is no need for critics to feel that prisons may become "country clubs" or be so attractive that men would be loath to leave them. The loss of liberty is the greatest deprivation that a man can suffer. Nor can it be said that dirt and inefficiency and ugliness in the prisons tend in any way to make a man better—they tend rather to encourage dirt, inefficiency, and ugliness within the people who live there.

4. Minimum Standards Established

Ideals long envisioned by prison reformers and sound and humanitarian principles for the restoration of the lawbreaker have been ratified on numerous occasions in the last half century. The Declaration of Principles enunciated by the American Prison Association when it was founded in 1870 has been revised and reaffirmed and still sets a goal to which prison administrators may aspire. Within the last few years a significant piece of work has been accomplished by the American Correctional Association, as the Prison Association is now called, in keeping with modern ideas of incarceration; a *Manual of Correctional Standards,* which implements the 1870 principles, has been compiled and published (1954) for the guidance of prison administrators everywhere.

On the international scene, minimum standards for the treatment of prisoners were agreed to by the representatives of sixty-six nations, who met in Geneva, August, 1955, under the auspices of the United Nations. These standards have already received the approval of the Social and Economic Council of the United Nations, and may well be referred to as an International Bill of Rights for prisoners.[2]

One more step in this direction is now being undertaken through the joint efforts of the National Probation and Parole Association and the American Correctional Association—namely, the drafting of a code of procedures for state departments of correction.

5. Cruel Punishments Abolished

Our society is coming to realize the hopelessness and uselessness of the attempt to control crime by vindictive punishment. The insistence on cruel and barbaric types of treatment referred to in Lawes's *Cell 202*[3] has receded. Statutes reflect the desire of our legislatures and the public to prevent the brutalities and restrict the miseries inherent in the older idea of prison treatment. Corporal punishment and the lash have been abolished in every state but one, and there it is rarely used.

The effects of solitary confinement in prisons were never more graphically described than by Charles Dickens a century ago:

[1] Alfred Hopkins, *Prisons and Prison Building,* New York, Architectural Book Publishing Co., 1930.

[2] *Standard Minimum Rules for the Treatment of Prisoners and Selection of Personnel,* approved by the Economic and Social Council of the United Nations, New York, American Correctional Association, May, 1957.

[3] Lewis Lawes, *Cell 202,* New York, Farrar and Rinehart, 1935.

I am persuaded . . . that there is a depth of terrible endurance in it which none but the sufferers themselves can fathom, and which no man has a right to inflict upon his fellow creature. I hold this slow and daily tampering with the mysteries of the brain to be immeasurably worse than any torture of the body. . . . I hesitated once, debating with myself, whether, if I had the power of saying "Yes" or "No," I would allow it to be tried in certain cases . . . but now I solemnly declare that with no rewards or honours could I walk a happy man beneath the open sky by day or lie me down upon my bed at night with the consciousness that one human creature for any length of time . . . lay suffering this unknown punishment in his silent cell, and I the cause, or I consenting to it in the least degree.[4]

The dark cell is almost outlawed. Segregation and punishment in solitary confinement are still necessary on occasion, but the extreme conditions—utter darkness, no ventilation, and the "wild beast in a cage" treatment—have been abolished. Statutes frequently limit the time of residence in solitary and prescribe procedures for maintaining health and sanity when this type of discipline is used.

Striped or luridly colored prison garb has been done away with. The shaved head, the lock step, and other practices involving personal indignities have disappeared. "Rock pile" forced labor has been replaced by constructive occupation. While one cannot yet say that suffering and despair in our prisons have been abolished, one can say that by administrative edict and by statute these abuses and infamous punishments have been replaced. Congregate feeding, work in association, outdoor exercise, magazines and literature which keeps the convict in touch with the outside, fairly frequent visiting hours for lawyers, access to the courts through writs of habeas corpus, and official visits inside the walls have done much to remove the misery and isolation of a former day.

[4] *American Notes*, Chap. VII.

6. Career Systems

A penal institution rivaling the Taj Mahal in beauty would be useless without competent men to operate it. While progress in this direction sometimes seems distressingly slow, it is being made in America. New York, California, New Jersey, and the federal government, among others, have completely integrated prison personnel into the civil service. Politics hangs on grimly in many places, and we have not yet had the success of our British friends in securing skilled and trained officers in every state. There are still people who think like the applicant for promotion who, when asked by the state civil service commission whether he thought prisons should be under civil service, answered, "Well, I suppose so — and yet I believe there should be some way for an ignorant man to earn his living."

There has been too much of the practice complained of by Shakespeare's rascally Iago:

> 'Tis the curse of service,
> Preferment goes by letter and affection,
> And not by old gradation, where each second
> Stood heir to the first.

The early establishment of a career service with promotion earned by merit has accounted very largely for the federal service's preeminent position in America.

Generally speaking, our prison guards are better paid than they once were. Certainly they have shorter

hours and a more respected status in our communities. In many places they get pre-employment and in-service training. Our most notable improvement has been in supervisory staff who, in recent years, have been men college trained in certain specialties —education, social work, psychiatry.

The all-important warden is in some institutions an excellent career man. In others, he comes from another discipline, or business life—and may turn out to be a good warden, but unfortunately may as frequently still see his job as a reward for political service.

Josiah Quincy, first Mayor of Boston, suggested in 1822 as a judge—in language rarely used by today's judges, but in substance what we are just beginning to accept as important:

> The more vicious, the more base, the more abandoned the class of society on which any department of justice acts, the more and the weightier is the reason that those who administer it should be elevated above all interest, and all fear, and all suspicion, and all reproach. Everywhere the robe of Justice should be spotless; but in that part where it is destined to touch the ground, where from its use it must mix with the soil, there its texture should contain whatever there is of celestial quality in human life and conduct; there, if possible, its ermine should dazzle by exceeding whiteness, and not only be steeped with the deep fountains of human learning, but be purified in those heavenly dews which descend alone from the source of divine and eternal justice.

7. Evils of Prison Labor Eliminated

Nineteenth century prison administrators eager to help pay the costs of incarceration and to keep their men employed (and therefore "out of mischief") fostered many abuses of prison labor. Exploitation of prisoners by undue competition in certain trades and public deception by fraudulent labeling brought a declaration of war from both labor and capital on the unfair conditions of prison labor.

If an "idle mind is the devil's workshop" anywhere, it is certainly so in a correctional institution. The old contract or lease systems were certainly no worse than the result of years of stultifying idleness on the released prisoner who is utterly incapable of earning his own living. However, in 1934 Congress passed the epoch-making Hawes-Cooper law, which in effect outlawed the contract or state account system of prison labor and forced most states to use the "state use" system. Most of us in America believe that this is the ideal system, whereby prisoner exploitation is impossible, private profit is eliminated (any profit goes to the cost of prison administration), diversification of training is possible, and acquiescence (if not active cooperation) of both labor and capital can be secured. Though idle gangs still exist in many of our prisons, the development of a good state use system, free from abuse and any legitimate cause of complaint by industry, must be recorded as one of the outstanding accomplishments of the last fifty years.

The experience of the federal government and a few states has shown that when the cooperation of both labor and industry is sought on this difficult problem, much progress can be made. If the prisons cannot set up a program for keeping men busy at worthwhile, meaningful labor, provide them with suitable incentives to do good work and therefore confirm rather than prevent the assumption of those responsibilities toward himself, his future, and his family which every free citizen must assume, then

prison reform will indeed be difficult, perhaps impossible.

Idleness has not been completely eliminated in prisons, nor has part-time work been abolished; but the framework in which they can be eliminated is there and much bitter opposition of industry and labor has been overcome.

8. State Departments of Correction

Our county system came to us from England; in our early history the county jail was used for short-term prisoners. In the early part of the nineteenth century, when it became apparent that county jails were not sufficiently secure and not appropriate for long-term prisoners, most states assumed that one prison would suffice for everyone who didn't stop at the jail on his journey to oblivion. Men and women, boys and girls, the sick and the well, the bright and the stupid, the well intentioned and the evilly disposed—all were put in one institution. Some of our state constitutions seemed to be framed on the assumption that there was never to be more than one penal institution in the state, but progress—the principle that different types of individuals require different treatment and even separate institutions—could not be denied; in the larger states, therefore, the idea of training schools for the young, reformatories for the adolescent, separate prisons for women, camps, and industrial institutions developed. It soon became obvious that some overall authority was needed to plan these institutions, distribute the population properly among them, and set up standards of administration. There are many forms of state organization, ranging all the way from an administrator (often called the Commissioner of Correction) to a Board of Public Welfare whose policy is made by an unpaid group of citizens and which operates by divisions, often including a "Division of Restoration" or "Division of Penal Institutions." All but five states have a central plan. No better argument for such an overall administration has been made than that which appears in the American Prison Association's 1870 Declaration of Principles:

> As a principle that crowns all, and is essential to all, it is our conviction that no prison system can be perfect, or even successful to the most desirable degree, without some central authority to sit at the helm, guiding, controlling, unifying and vitalizing the whole. We ardently hope yet to see all the departments of our preventive, reformatory and penal institutions in each state moulded into one harmonious and effective system; its parts mutually answering to and supporting each other; and the whole animated by the same spirit, aiming at the same objects, and subject to the same control; yet without loss of the advantages of voluntary aid and effort, wherever they are attainable.

Centralized organization is responsible for much of the progress in our penal institutions.

9. Open Institutions

During this first half of the twentieth century the camp or penal farm, which in Europe and other places is being referred to as the "open" institution, has developed in several of our states. True, it is somewhat anomalous to call a prison an open institution. But among the great variety of individuals who come to correctional institutions today are those who do not need to be behind barred doors; these people may be unable to adjust in total freedom or on probation, and need some minimum type of restraint. This group—misdemean-

ants, accidental criminals, and those with a basis of character to build on —became the object of penological concern in the early part of this century. The state farm appeared first in Indiana, Ohio, and Massachusetts. Then came the so-called prison camp —developed, among other places, in California, Wisconsin, Michigan, and Massachusetts (the first one in that state was established in 1915). They have proved to be a valuable adjunct to the state prison system. America can take pride in the fact that the minimum security prison camp has been copied in several western European countries; e.g., Sweden, Belgium, Switzerland, and England. I have a letter from the distinguished former prison commissioner of Great Britain, Sir Alexander Paterson, who on May 27, 1936 wrote me as follows:

> Five years ago you took me to the first prison camp I ever saw and I remember telling the men I hoped they would make a success of it in order that we might be able to follow their example.
>
> Today we have come out from Wakefield Prison with twenty men and two officers and we sleep tonight in wooden huts in a clearing in a wood seven miles from any town. It is the beginning of the first prison camp in England. So it is only fair to write the first letter to you and your colleagues to thank you for the idea.

10. The Classification Idea

Thus during the period from 1907 to 1957 newer and better prisons have been built, personnel qualifications have been raised, the public attitude has been changed, sentencing has been improved, and better practices have been introduced. The major problem remains—how to get the individual prisoners to take advantage of and profit by these opportunities which are the paraphernalia of reform.

The important discovery of modern penology, emphasized on the continent in Raymond Salleilles' pioneer *Individualization of Punishment* and in this country in Dr. William Healy's *The Individual Delinquent,* was that punishment, to be effective with the individual, must meet his specific needs. In other words: *although we can punish en masse, we can reform only individually.* This belated conception has revolutionized our attempts to improve the criminal and restore him to decent citizenship.

No hospital would attempt to treat a man until it had made an exhaustive and searching examination of his disease, his capacities for resistance, and other factors peculiar to the individual. Perhaps the modern prison can never be so expensively equipped as to provide a separate program for each person, but it can develop its knowledge of and approach to the individual, so that he can best use the prison's facilities. This is the objective of the classification plan. It is not only a method of putting offenders in such categories as young or old, male or female, but of identifying each prisoner in terms of his special treatment need, whether it is a particular kind of custody, work, education, health restoration, or mental hygiene.

Traditionally the prison had done what it could to destroy individuality, possibly because it insured equality of standing but more likely because it added to the inmate's degradation. (His head was shaved, he wore a more or less ridiculous uniform, he had a number instead of a name, he marched in lock step, he lived in a standardized cell, and he had to be silent and conforming.) Once we admit the individual character of the criminal, we set ourselves a much

more difficult task—to use the few institutions we can afford to build in the way most suited to each individual's needs. This means case histories. It means psychiatric diagnosis. It means conferences among all persons in the institution who know the prisoner from their own special angle.

Classification in our prisons began when some of the newly qualified professional people coming into the prisons were asked to study each individual, make a prescription for him, and lay out a plan through which the total resources of the prison would be focused upon his particular program.

The first reference that I find to classification as defined here (and I have searched through a large number of the American Prison Association's files) is in the "Report of a Committee on Psychiatric Classification" issued in 1927—just thirty years ago. The committee was chaired by Dr. Leo J. Palmer, and such well-known people as Frank Christian, Ellen Potter, Frank Moore, George Erskine, Amos Butler, and Walter N. Thayer were among its constituency. But this committee had not hit upon the basic idea of classification. It was more interested in purely psychiatric classification, and set up certain terms or classifications to distinguish various types of offenders—whether first, accidental, occasional, or habitual.

Soon after this committee's report, true classification did develop. In 1929 William J. Ellis, Commissioner of the New Jersey Department of Institutions and Agencies, read, at the Toronto conference of the American Prison Association, a paper on "Classification as a Basis for Institutional Training, Treatment, and Parole," which outlined what has come to be the accepted process of classification in many state institutions. It involved the use of professional personnel, a joint diagnosis of the prisoner's needs, and a prescription for his treatment as to custody, education, discipline, health, etc. Commissioner Ellis' paper was followed, at the 1930 convention of the American Prison Association in Louisville, Ky., by an address by one of his assistants, Dr. F. Lovell Bixby, entitled "The Relation of Classification to Penal Treatment."

Thus began one of the most significant advances in the field of adult institutions during the last half century. It would have been idle to provide newer and better institutions, better trained personnel, good work opportunities, and all the other things I have enumerated as advances unless some method of applying them to the needs of the individual had been found. It would have been impossible to do this under the old system of mass treatment, or without the services of skilled character analysts such as psychiatrists and psychologists.

11. Public Interest in the Prison

Not the least of the important developments during this era is the almost complete change in the attitude of the press and public toward the prison and the position of the prison in our commonwealth. One hundred or even fifty years ago, what went on behind the high wall of a prison was a good deal of a mystery. I doubt if it was ever as bad as the situation in England described in Dr. A. J. Cronin's recent book *Beyond This Place*,[5] a prison in which men were immured for long periods and, when they finally emerged, were ruined as individuals. But prison managers tended to believe that "these people have been

[5] A. J. Cronin, *Beyond This Place*, Boston, Little, Brown, 1953.

given to me to keep out of the public's way, and it's nobody's business what happens to them while they are here; this isn't a holiday resort or a school or a hospital—it's a place of punishment."

For better or for worse we have seen a change in this attitude. Men in prison keep up to date on the news via papers and magazines, listen to the radio, and once in a while see television shows. They attend chapel, eat in congregate rooms, have frequent visiting hours, consult lawyers, write to higher officials, take advantage of the writ of habeas corpus, gather together in groups, and have indoor and outdoor recreation. Our newspapers, magazines, and movies betray a lively, though sometimes ill-informed, interest in what goes on inside a prison. This was demonstrated during the prison riots a few years ago, when prison administrators could not succeed in keeping newsreel cameras, television men, and newspaper reporters out of the prisons, with the result that in many instances riots were prolonged—even stimulated—by the resultant publicity.

But in the long run this must be accepted by administrators as advantageous change. Certainly permanent routines which are brutal or cruel cannot continue in the average institution today without being disclosed sooner or later.

Significance of Prison Riots

Twice in the last thirty years prison disturbances or riots have assumed the proportions of an epidemic. In the late twenties, disastrous riots occurred in Columbus, Ohio (following a fire), in Auburn, N. Y., Canon City, Colo., and in Leavenworth, Kans. Later in this century—during 1952 and 1953—a series of riots which were much more extensive, though not so bloody and not causing nearly as much loss of life as the earlier series, erupted in over thirty penal institutions throughout the country. How, with the quite obvious and striking improvements we have made in physical characteristics of prisons, does such a series of riots come about? Here are a few facts worth considering:

1. The recent wave of prison riots was not a phenomenon exclusive to the United States; it occurred in many other countries.

2. In most cases only a few prisoners were involved. The large majority of our inmates took no part or went along unwillingly.

3. Riots took place in prisons generally regarded as well administered, as well as in those where complaints were justified.

4. In not one of the disturbances was there an escape. Damage, which was considerable, was invariably confined to the structures within the wall.

5. The disturbances were in many cases accompanied by the capture of hostages or prison employees by the rioters, and on reflection it can thus be understood that they were literally made possible by the greater liberties accorded to our inmates. If we were willing to return to the rigid program of separate confinement without liberties, we could prevent them!

Self-control in a democracy and the proper use of freedom are hard lessons for some people to learn. Perhaps we should regard these disturbances as growing pains of our improving prisons. Almost all prison administrators agree that we have not gone too far in permitting greater liberties within the walls. Nor does the public suggest, in any great number, that we should return to older, repressive con-

ditions. There is rather a demand that careful inquiry should reveal whether injustices exist.

The recalcitrant, stubborn, and psychotic prisoner must be, in fairness to the rest of the population, carefully restrained, even isolated. But in the long run trying to bring out the good in men in penal institutions is more beneficial to society than confirming the worst in them.

A report issued by the American Prison Association's Committee on Riots contains many valuable suggestions. The most important is that penal institutions must be thoroughly divorced from political control if untoward incidents are to be prevented.

Now is the time, it seems, to consider whatever lessons are to be learned from these events.

1. We should study each event and carefully analyze the reasons advanced by the prisoners for the revolt.

2. We should separate the true from the false claims and ascertain what the underlying causes were. Usually we will find both a remote and an immediate cause for the riot.

3. Having determined from experience what in general the conditions are that provoke disturbances, we should remove the inequities, if any, and improve conditions before a revolt starts.

4. Then perhaps some impartial body should investigate each institution and certify that conditions there do not offer legitimate cause for complaint. Prison personnel will then be in a sound position to resist unjustifiable demands.

5. After such certification the prison may well expect and receive the support of all law enforcement agencies and thus avoid the humiliation of capitulation.

The Job to Be Done

Progress has been made in a large portion of the job of penal reform. We have eliminated most of the physical terrors and miseries of prison, except of course the fundamental one which comes from the loss of one's liberty. We have opened both the doors and windows—they swing inward, at least; we have provided modern buildings, equipment, hospitals, schools, shops, and playgrounds. We have invited the physician, the educator, the psychiatrist, the psychologist, the recreation director, and others to come in.

But the second half and perhaps the more important portion of our task is still to be accomplished, although noteworthy evidence of its achievements can already be seen. It is not enough to make prisons more comfortable—though to speak of comfort in some of our adult prisons is still inappropriate. Comfort alone, or submission to prisoner demands even when they are justifiable, does not necessarily lead to rehabilitation in prison or out of it. The warden is hardly justified in telling his prospective boarders to "come in and make yourselves comfortable"; he must still administer discipline and treatment above all.

This treatment will not be merely palliative. It will not only relieve the pressures of the moment, but it will be sternly constructive: a compound of human sympathy and other elements. No family, school, community, government, or prison can thrive on concessions alone. There is no substitute for fair, firm, equitable discipline imposed not arbitrarily but through classification committees and disciplinary boards.

Having removed the dirt, the debilitating atmosphere, the cruelty, the

graft, the fruitless spirit of revenge from our prisons, we shall install instead a system of work for all, a program of individual treatment, and a process of condign discipline.

These are the objectives for our improving prison program:

1. *Recreation* shall not only entertain and relieve boredom, but teach by example how men must respect the rights of others, and inculcate a sense of sportsmanship and a realization of the importance of teamwork.

2. *Education* will employ not only a few paid school teachers, but the whole prison staff; it will not instruct inmates in how to become cleverer criminals, but how to assume the role of free citizens and participants in our democracy.

3. *Work for wages* shall be offered to all, not to make a little money or shorten a prison sentence, but to teach the indispensable lessons of self-support, self-respect, and responsibility for one's dependents.

4. *Psychiatry,* the great new science, will have its place in the prison, but will not content itself with mere diagnosis or, as unfortunately sometimes happens, provide the culprit with an excuse for his wrongdoing. It will insist upon each acknowledging his responsibility for his own fate to the utter limit of his capacity. Thus, the psychiatrist will join with the disciplinarian in pointing the way toward a safer and happier existence.

5. *Religion* in prison will not be content with being a mere soporific but, by cooperative and understanding effort with administrators, may well prove to be the missing ingredient for which we have been searching. Most prisoners in our country are given the opportunity to improve. In other types of institutions—hospitals, schools, and so forth—inmates want to improve their condition. In prisons we must first plant within the inmates the desire to progress.

It is on the distaff side of the institutional family that real progress has been made in this country in the conduct of and results from correctional institutions. If the lowered rate of recidivism is a measure of success, then our women's institutions are highly efficient.

The current and, we believe, temporary increase in crime and delinquency in the United States may arise in part from our difficulty in adjusting ourselves to new modes of living and in finding new methods of control to replace the old ones such as the prospect of hellfire, the fear of disease, and the dread of poverty. Our improved prison system does not increase crime, but as a matter of fact probably reduces it.

To contrive a milieu in which to discipline and retrain our lawbreakers is more difficult than merely achieving a sympathetic attitude toward them. It is not easy to make a man sorry he committed a crime but yet glad he went to prison for it. But the tools are at hand and the workmen are learning their trade. The constructive efforts of interested agencies—the National Probation and Parole Association, the American Correctional Association, the American Law Institute, the American Bar Association, and psychiatric organizations—give promise that this will some day come to pass. We must still teach with firm and even justice the lessons of discipline. I do not mean discipline which is synonymous with punishment, but that discipline which we impose upon ourselves and which is best suggested by the word "disciple"—else our prisons may become mere places of refuge whose inmates

emerge no better or stronger than when they went in. And after all, *they all come out.*

We therefore call on all our kindred professions to help restore our inmates to a society which must be prepared to receive them. We shall attempt to discharge them not weakened by idleness, not besmirched by official indifference, not corrupted by further evil associations, not resolved to retaliate against society, but armed with knowledge and ability and ambition that they never before possessed, endowed with a healthier body and a greater understanding of hygiene, and supplied in ample measure with that missing ingredient—call it religion if you will—which everywhere, in prison and out, has the power to transform selfish and venal men.

There are three general tenets which will, if recognized, ameliorate the prison problem.

1. The correctional process is a unified one, including apprehension, detention, prosecution, trial, disposition, probation, sentence, incarceration, and parole. Mistakes and excesses in any of these fields affect all the others. Men do not come to prison out of a vacuum but after many experiences, some of them bitter, which influence their lives.

2. The younger or less experienced the offender, the better his chance of correction.

3. An ounce of prevention is worth many pounds of cure. If this is true the prison is justified in bequeathing at least a part of its responsibility to our communities, many of which are too blind or too careless to read the portents of delinquency and crime on their own street corners.

The representative democracy which we enjoy gives all men the ultimate freedom and support which makes for success and prosperity. Under such a government a humane, constructive, and well-disciplined prison administration is the only one possible.

Adult Parole

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THE beginning of parole can be traced to a few related basic conditions that gave rise to certain practical problems for those concerned with the administration of criminal justice. In its primitive form the method of release we call parole was undoubtedly fostered by the practical need to reduce the overcrowding of prisons in seventeenth and eighteenth century England. America faced, and has continued to face, the same problem in varying degree of urgency.[1] The definite sentence of these early days could be shortened only by the exercise of the executive power of the governor. Large numbers were unconditionally discharged to relieve the congestion in the prisons.

The next form of release to be used was the conditional pardon, which was also granted by the governor but under certain conditions which frequently included the threat of return to prison if the conditions were violated. Another method of reducing the definite sentence was provided by a New York law of 1817, usually referred to as the first "good time" law, more properly called the commutation law. It provided for a specified reduction of the length of imprisonment as reward for good behavior and work willingly performed. In some states the good-time law provided that the prisoner released before expiration of his sentence through deductions for good behavior could be returned to prison as a violator if, during the time allowed him on the street, he committed another crime.

Unconditional discharge from prison was not in the best interest of society. Hence, the use of the conditional pardon. But if prisoners must be released prior to expiration of sentence, why not use the release to motivate good behavior and industry in prison? Here, perhaps by coincidence, we have the elements of rehabilitation as a function of imprisonment, the beginning of a program. Although the idea of the indeterminate sentence seems to have originated in the British Isles, its first application and subsequent development occurred in America. The first legislation for the indeterminate sentence was passed in Michigan in 1869 as the result of the activities of Z. R. Brockway, then superintendent of the Detroit House of Correction. He later used the indeterminate sentence at the Elmira (N.Y.) reformatory, which opened in 1876.

The indeterminate sentence emphasizes the importance of a program in preparation for release, and the need for supervision and counsel after release; it provides for individualization by increasing the discretionary powers of the releasing authorities.

[1] Justin Miller, "Strengths and Weaknesses of our Parole Laws," New York, American Prison Association, *Proceedings*, 1930; and *Attorney General's Survey of Release Procedures*, Washington, D.C., 1939, Vol. IV, p. 14 *ff*. Unless otherwise noted, all the factual material in this article is taken from the *Survey of Release Procedures*, volumes I and IV.

Parole consists essentially of four principles: (1) release prior to the expiration of sentence, (2) release upon completion of a program of treatment, (3) release when it is to the best advantage of the community and the prisoner, (4) release under supervision and guidance. Their application frequently requires that authority be removed from constitutionally established bodies or officials. The reluctance of legislatures to do this may account for the vacillations found in translating the principles into practice and for the bizarre nature of some parole laws.

Adult Parole in 1907

Much had already occurred in the development of adult parole in the United States by 1907, when the National Probation Association was established. The model for a parole system had been set with the opening of the Elmira Reformatory, where provision was made for supervision of parolees by volunteers. By 1907 twenty-nine states had passed adult parole laws. The indeterminate sentence, which has always been regarded as an integral part of parole, had been adopted by about sixteen states. All but three states had passed good-time laws (all three did so soon afterward—Oklahoma in 1910, South Carolina in 1914, and Maryland in 1916).

Most of the early parole laws, however, did not provide for actual supervision of released prisoners. As early as 1845, Massachusetts had passed a law providing for the appointment of a state agent to assist discharged prisoners. Later Illinois and Idaho passed laws requiring sheriffs to supervise parolees. But this phase of parole was very slow to develop. In 1907, only three states had provided for parolee supervision.

1907-1930

The last fifty years may conveniently be divided into two approximately equal periods, the first extending to 1930. During this period, and particularly in the decade beginning in 1910, there was considerable legislative activity in behalf of parole. Accomplishment, however, was scarcely commensurate with effort. By 1910 thirty-eight states had passed parole laws. Only seven others were added to the list by 1930. Nor was much progress made in providing personnel for supervision.[2] Of the 150-odd laws passed during the period under discussion, about 30 per cent were concerned with the composition, number, and occasionally the creation of paroling authorities. About 22 per cent dealt with the extension and occasionally the restriction or repeal of good-time laws. (By the end of the period every state had a good-time law.) About 15 per cent had to do with the introduction of the indeterminate sentence or, more often, with changes in its administration. Another 15 per cent were concerned with changes in eligibility or conditions of parole. Only about 6 per cent provided for personnel for parole supervision.

Considerable vacillation and inconsistency was reflected in the laws relating to the size, composition, and functions of paroling agencies. In Arizona, for example, between 1907 and 1913, parole was first granted by the governor upon recommendation of the Board of Control, composed of the superintendent of the prison, the auditor, and a nonofficial. In 1912 a new law provided for parole administration by a Board of Commissioners consisting of the governor, the attorney general, the prison physician, and

[2] Randolph E. Wise, "Parole Progress," *NPPA Yearbook*, 1950.

the warden, who was the chairman. In 1913 this board was superseded by a Board of Pardons and Parole composed of the attorney general, the superintendent of public instruction, and a nonofficial chosen by these two. In Oregon the size of the paroling authority changed from three members to five and back to three within six years. These patterns of legislation were duplicated in many states.

A curious series of events took place in Kentucky. This state passed its indeterminate sentence law in 1910. The courts held that it was mandatory, not discretionary, to grant parole to those eligible under the law. The legislature amended the act in 1912 to make its application discretionary. In 1914 the governor's approval of paroles was made mandatory. At the same time the Parole Board was deprived of the power to grant final discharges. In 1916 the indeterminate sentence was repealed.

Some unusual conditions of release were devised in some of the states. Louisiana, Missouri, and West Virginia required parole applicants to publish, at their expense, their intention to apply for parole; such notice was to appear, at least once a week for two consecutive weeks, in a newspaper of the county in which the conviction took place. West Virginia charged $3 for the publication of notice and other services; it also required a $25 bond for defraying expenses in case of violation and refunded it if parole were successfully completed. These conditions were instituted by rule in Louisiana and West Virginia and by statute in Missouri. A 1913 law in North Dakota required a bond of $100 as a condition of release.

In Tennessee, a law of 1921 provided for the collection of money from the parolee's earnings by the parole officer to defray the expenses of supervision. In practice a monthly fee of $2 was charged for the first year of supervision.

There was a tendency to use existing law enforcement officials rather than specifically appointed parole officers to supervise parolees. It is difficult to determine whether the practice was the result of lack of funds for new personnel or the belief that parolees needed surveillance rather than supervision. Laws passed in Illinois in 1899, in Idaho in 1907, in Louisiana in 1914, and in South Carolina in 1925 provided for supervision of parolees by sheriffs and other local officers. A New Hampshire law of 1909 provided that parolees be supervised by the prison chaplain.

A rather curious provision appeared in a South Dakota law of 1925. The parolee was supervised by a person who guaranteed him a job. The guarantor was considered an officer of the warden and the Board of Charities and Correction. Any laxity on his part was considered a violation of his agreement as guarantor.

The original concept of the indeterminate sentence, in spite of its historical association with parole, did not find as ready acceptance as the idea of releasing the prisoner after serving a fixed portion of a definite sentence. The indeterminate sentence became so transformed and so confused with the good-time concept that it lost its identity. By 1939 there were thirteen kinds of indeterminate sentences, classified into three types: (1) those in which the maximum of detention was not to exceed the maximum provided by law for the offense of which the prisoner was convicted, (2) those in which the maximum and the minimum of detention were fixed by the court within the limits prescribed by law for the offense, and (3) those in which the maximum and

minimum imposed by the court must be equal to the maximum and minimum prescribed by law. The truly indeterminate sentence does not appear in the three types described.

Opposition to the indeterminate sentence during this period was strong; in a number of states it was declared unconstitutional or it was repealed. The reasons for its being considered unconstitutional were that (1) it constituted an impairment of judicial power vested in the courts, (2) it was a delegation of legislative power to give a parole board authority to fix the time of detention, (3) it was an infringement on the pardoning power of the governor to allow any other agency to grant parole, and (4) by making the length of commitment uncertain, it fell into the category of "cruel and unusual punishment."

In spite of the restrictions placed on the administration of the indeterminate sentence, the parole administrator was left with considerable discretion as to the conditions and time of release on parole. The factors that commonly determined the release of a prisoner were—and still are:

1. The sentencing structure in use.
2. The amount of discretion given to the paroling agency in relation to the limits imposed by court or statute.
3. The prisoner's criminal record.
4. His current sentence and crime.

During this period lifers were usually excluded from release under the indeterminate sentence. Clemency action usually provided for release after a substantial number of years had been served. Otherwise the factors which affected release procedures and parole eligibility were used in endless and varying combinations. Minimum time limits for release on parole varied from no statutory limit to a proportion of the sentence, the most common being one-third. At one extreme was Iowa, where in some cases the Board of Parole could "parole" an offender before he was committed on recommendation of the prosecuting attorney and the judge. At the other extreme was Tennessee, where the Board of Parole did not have the power to parole prisoners with indeterminate sentences; release of these prisoners was effected only when the governor used his clemency power.

Yet out of the bewildering legislation of 1907 to 1930 came progress. Legislation dealing with the composition and functions of the paroling authorities moved slowly in the direction of increasing the number of independent central boards, and gradually removed paroling power from the governors and institution boards. Considerable attention was given to the conditions of eligibility for parole and the application of good-time allowances. In the latter there appeared a trend toward liberalizing deductions for good conduct. Least progress occurred in supervision of parolees. The status of parole around 1930 is summarized in this statement:

> In twenty states parole is treated merely as a form of executive clemency, and is granted by the governor or by a board of pardons. In twelve other states it is treated as an incidental item of penal administration, release being granted by state or institutional administrative boards. Only fourteen states have created agencies to deal specifically with parole. Six of these rely on part-time, unpaid, or ex-officio boards, and three use a single official to select prisoners for release. Only Illinois, Ohio, Massachusetts, New York, Texas, and the federal government have full-time salaried parole boards.[3]

[3] *Report on Penal Institutions, Probation, and Parole,* National Commission on Law Observance and Enforcement [sometimes referred to as the Wickersham Commission], Report No. 9, Washington, D.C., 1931.

There was, in the first twenty years of our survey, much groping for a guiding principle and a frame of reference, which did emerge after 1930.

1930-1956

Legislation since 1930 has followed a pattern somewhat similar to that before 1930;[4] it is in administrative procedures that differences between the two periods can be found.

Parole-granting power continued to be the main concern of lawmakers. Forty-five per cent of the 140 laws passed since 1931 affected the composition, size, and functions of the paroling authorities. About 12 per cent dealt with changes, mostly liberalizing, in the application of good-time allowances. Only about 2 per cent of the laws dealt specifically and clearly with the indeterminate sentence. Only Colorado (in 1935) and the District of Columbia (in 1932) passed indeterminate sentence laws in this period. But I believe that more legislation than this meager 2 per cent did actually deal with indeterminate sentences as they are commonly interpreted today. It is likely that the 16 per cent of the laws passed since 1930 which affected parole eligibility also affected the so-called indeterminate sentence.

The most striking difference between the legislation of the period ending in 1930 and the period ending in 1956 is that during this latter span 20 per cent of the laws dealt with the improvement of supervision (as compared with 6 per cent in the former period).

Some of the major trends of development are revealed in a comparison of the findings given in Volume IV of the *Attorney General's Survey* of 1939 with the findings of the study made by Sol Rubin in 1949 and supplemented in 1957.[5] Legislatures continued to remove paroling powers from the governors and the boards in the institutions and placed them in central boards made up of persons not engaged in other governmental activities. Since 1949 seven states—Colorado, Kentucky, Montana, Nevada, New Mexico, North Carolina, and West Virginia—have created central boards to administer parole. In Kentucky, Montana, Nevada, and New Mexico the new agencies replaced ex-officio boards. Utah changed from an ex-officio board, composed of the governor, five judges of the Supreme Court, and the attorney general, to a Board of Pardons of three members appointed by the Board of Corrections.

In fifteen states, members of the parole board are appointed by the governor; in seventeen states appointments need the consent of the senate; in two other states the consent of the legislature is required. In other states appointments are by the director of welfare, the board of correction, the supreme court, or some other group of officials. In Alabama each of the three members is appointed by the governor from a list of three persons submitted by an ex-officio board composed of the chief justice of the Supreme Court, the president judge of the Court of Appeals, and the lieutenant governor. Appointment requires senate confirmation. The most significant development in methods of appointment for parole board members was the introduction of the merit

[4] References for this later period are the *Attorney General's Survey; NPPA Yearbook* articles on "Legal Digest," 1938 to 1953 inclusive; and NPPA JOURNAL articles on "Legislation and Court Decisions," July, 1955, July, 1956, and April, 1957.

[5] Sol Rubin, *Adult Parole Systems of the United States*, New York, National Probation and Parole Association, 1949; *Supplement*, 1957.

system. It is used in Florida, Michigan, and Wisconsin. Texas has a similar statute, but it has not been followed;[6] instead, each member of the three-member board is appointed by a different official: one by the governor, one by the chief justice of the Supreme Court, and one by the president judge of the Court of Appeals. A Washington law of 1945 provides that the members of the Board of Prison Terms and Parole cannot be removed except for cause determined by a court of competent jurisdiction.

A number of laws during this period raised the salaries of board members. There was evidence of greater financial support for parole; for the biennium 1943-1945, the parole budget was $1,000,000 in Pennsylvania, the first state to reach this mark.

Another trend reflected in the laws was a growing concern for the qualifications of the personnel of parole agencies, from board members down. No longer was it sufficient to be merely a "discreet person."

Minimum imprisonment time as a condition for release on parole has tended to be reduced. Minnesota lifers are now eligible for parole after twenty-six years instead of thirty-five years, unless previously convicted. Montana reduced the minimum time for eligibility from one-half the term without good-time allowance to one-fourth with good-time allowance. New Jersey permitted work-time allowances, in addition to good-time allowances for second and third termers. New Mexico cut the requirement from the minimum set by law to one-third the minimum less good-time, and made additional allowances for longer sentences; lifers became eligible for parole after ten years. Rhode Island reduced the minimum time for eligibility from one-half the term to one-third. Washington made lifers eligible for parole after twenty years if recommended by the superintendent of the institution; the crimes of treason, murder in the first degree, and carnal knowledge of a child under ten, formerly excluded from the indeterminate sentence, were now included.

As might have been expected, the changes were not all in one direction. Alabama, which had no general time limitations in 1949, later required that one-third of the term or ten years, whichever was less, be served, except by unanimous action of the board. Massachusetts excluded first degree murder from parole unless the term was commuted. New Jersey excluded all fourth offenders.

Some of the unusual conditions of release that appeared in the first quarter of this century were perpetuated into the period under discussion. For example, a 1944 Mississippi law required those convicted of murder, rape, or robbery to publish their intention of applying for parole before they could be considered.[7]

Supervision of parolees was still a neglected area in legislation, not so much by omission as by resort to ex-officio personnel. Laws passed in Arkansas (1937) and Mississippi (1944) provided for supervision by state police or sheriffs and other local enforcement officers. Colorado used sheriffs for a time after 1949. An Oklahoma law of 1947 provided that the judges of the superior court must act as parole advisers for parolees in their districts. However, in a majority of states there was considerable progress in the provision for personnel, both in number and qualifications, for the

[6] Rubin, *Adult Parole Systems of the United States*, 1949.

[7] See p. 376.

supervision of parolees. At present every state has at least one supervising officer. In the last five years the number of state officers increased from 1,112 to 1,875.[8] A few months ago the Texas legislature approved an appropriation for the supervisory staff authorized in 1947.

An Oklahoma law of 1947 provided that revocations of parole must be investigated by the appellate court. A Colorado law of 1951 (repealed in 1953) provided that a parolee charged with violation must be taken before the nearest court; if violation was established, the court would report to the governor (as chairman of the parole board). A similar provision had appeared in a Michigan law in 1861.

Aside from occasional reversions to largely discarded practices, parole made solid progress during the period under discussion. In many states there was a complete reorganization of parole and probation services. In contrast to the preceding period, there has been since 1930 greater consistency, a pattern of organization, and greater balance among the basic aspects of parole service. We can say that parole has finally found itself.

Milestones

A number of important events occurred after 1930 which may well have given parole the frame of reference it had been seeking. But for a full understanding of the situation we must go to some early antecedents. First we must recognize the contributions of the early prison societies in introducing the parole concept into the institutions in the second half of the nineteenth century. Their work was given additional impetus by the organization of the American Prison Association in 1870 and the promulgation of its principles in its *Manual of Standards.*

A more direct interest made itself felt with the growth of the National Probation Association. At its inception and for some time afterward, it was mainly interested in juvenile courts and probation, but it soon began to promote parole services as well. There can be no question of the leadership the organization has provided in the various aspects of correction. In 1939 it published a model act for a state probation system. The second model act for adult probation and the third for a state adult probation and parole system were published in 1940. The latter was revised in 1955 under the title of Standard Probation and Parole Act.

Another organization that helped to give purpose and direction to the parole movement was the American Parole Association, organized in 1933, which, beginning with the Central States Conference in Chicago in 1934, conducted regional conferences on parole.

One of the most important events in the recent history of parole was the passage by Congress of the Ashhurst-Sumner Act in 1934, which permitted states to enter into agreements or compacts for cooperative effort and mutual assistance in the control of crime. The Interstate Commission on Crime, established in 1935, drafted the implementing laws—the Uniform Enabling Act and the Interstate Compact for the Supervision of Parolees and Probationers. In 1937 twenty-five states joined the Compact; by 1955 every state had become a signatory. The Interstate Compact Administrators Association, formed in 1946, has been a most influential group, not only in promoting interstate coopera-

[8] *Probation and Parole Directory,* New York, National Probation and Parole Association, 1952, p. xii; 1957, pp. xii-xiii.

tion in the supervision of parolees, but also in advancing the cause of parole and probation within each state.

Before leaving our discussion of associations we must refer to the merging of the National Probation Association and the American Parole Association in 1947. Earlier that year the National Probation Association had appointed a parole director in anticipation of this event, and an Advisory Council on Parole was organized. On October 24, 1947, the merged associations became the National Probation and Parole Association.

The advancement of parole has been stimulated by two national surveys of crime taken since 1930: the Wickersham Commission's twelve-volume report, published in 1931, and the *Attorney General's Survey of Release Procedures,* which has been a gold mine of information and has undoubtedly helped parole administrators and legislators to evaluate past parole practices, to gain a clearer perspective of what parole should be, to avoid past mistakes, and to adopt sounder practices.

Another kind of impetus was provided by the two national parole conferences, the first held in April, 1939 and the second in April, 1956.[9] Both conferences discussed the facts of parole, established standards of procedure and performance, and promoted better understanding among the states. The 1939 conference's succinct Declaration of Principles has been widely quoted and now is displayed on the walls of nearly every parole office in the country.

[9] First National Parole Conference *Proceedings,* Washington, D.C., 1939. *Parole in Principle and Practice, A Manual and Report, The 1956 National Conference on Parole,* New York, National Probation and Parole Association, 1957.

Looking Ahead

A broad view of parole today, compared with the view fifty years ago, should give us a feeling of satisfaction, but scarcely justifies complacency. In forty-two jurisdictions, including the federal government and the District of Columbia, parole is administered by a central board without the intervention of the chief executive. Some of these boards' members are ex-officio; others are paid per diem. We still have six states in which the governor is the final authority in granting parole, and two in which parole is granted by institution boards. There has been considerable improvement in provisions for qualified personnel and in the adoption of merit systems of appointment below the level of board members, with an increasing movement toward professionalization. There has been considerable success —in some instances phenomenal—in getting financial support from the legislatures. Prevailing laws provide the paroling authorities with considerable discretion and opportunity for individualization, on the basis of fairly adequate records. But the principles laid down by the National Parole Conference in 1939 are far from fulfilled, as NPPA surveys testify. All aspects of parole leave room for improvement; some have barely made a beginning. One of these is statistics and research.

A few years ago, recognizing the importance of statistical reporting, NPPA created a Committee on Administrative Reporting, which is presently concerned with methods of collecting basic statistics in crime and delinquency. The statistics published in the annual reports of parole agencies are of little use as sources of national statistics, first because they are not comparable, and second be-

cause they cover only a few phases of parole service. For best results each state should have a central statistical agency, or at least a single agency for criminal statistics, covering all phases of criminal procedure. Criticisms of annual reports have appeared regularly in NPPA periodicals. There is ample literature from which parole authorities can get valuable suggestions.[10]

Much data has been collected in local and state surveys of parole and probation, particularly those conducted by NPPA.

. Considerable research has been done in parole prediction. The monumental work of the Gluecks is well known, and many others have contributed knowledge to this aspect of parole.[11] But the results of this kind of research have not been received with any enthusiasm by parole administrators. As far as we know, experience tables for parole prediction are not now in use anywhere.

Parole is now sufficiently mature to begin to test its own practices through research. Is employment a necessary condition of release if parole is to be successful? What difference does supervision make in the adjustment of parolees? What kind of supervision is best? What is the extent and nature, and the effect on adjustment, of community discrimination against parolees? For these and other questions we have only opinions based on impressions, not scientific proof. However, here too a beginning has been made to test some of our current practices by research. Two reports on the California Adult Authority's Special Intensive Parole Unit have been made to date.[12] Two other studies, although they deal with probation, provide experimental designs for research in parole.[13]

Another area which has proved important and which requires vigorous promotion is citizen participation; the most recent recognition of its importance is the creation of the National Citizens Council by NPPA. At the 1956 Congress of Correction in Los Angeles, six papers were presented on this subject. In Indiana and Pennsylvania the role of parole advisers is being re-evaluated. The potentialities of citizen participation were illustrated recently in Texas, where a group of citizens—the NPPA Citizens Commitee for that state—was able to get what parole authorities had sought in vain for ten years: an appropriation for supervisory personnel.

There are still some unresolved legal problems of parole. A major obstacle in the path of its continued progress is the sentencing structure. For a long time there has been concern over disparities of sentence imposed on different individuals for the

[10] See articles by Matthew Matlin and John Wallace in the July issues of *Focus*, 1951-54, and by John Schapps, Dorothy Monetti, and Claire Sotnick in the July issues of NPPA JOURNAL, 1955-57; also, John W. Mannering, "Correctional Statistics at the State Level" and Henry C. Lanpher, "Correctional Statistics on a National Level," New York, American Correctional Association, *Proceedings*, 1956; and Statistics issue of NPPA JOURNAL, July, 1957.

[11] Lloyd E. Ohlin, *Selection for Parole*, New York, Russell Sage Foundation, 1951.

[12] Bernard Forman, "Report on the Special Intensive Parole Unit," New York, American Correctional Association, *Proceedings*, 1956, and Ernest Reimer and Martin Warren, "Special Intensive Parole Unit," NPPA JOURNAL, July, 1957.

[13] Lewis Diana, "Is Casework in Probation Necessary?" *Focus*, January, 1955, and Ralph W. England, Jr., "What Is Responsible for Satisfactory Probation and Post-Probation Outcome?" *Journal of Criminal Law and Criminology*, March-April, 1957.

same offense. This has given rise to considerable discussion of equality of sentences as distinct from uniformity, and of the comparative merits of the indeterminate and the determinate sentence for parole purposes. Rubin argues[14] that the indeterminate sentence produces no particular advantage for treatment and that, in fact, it results in longer confinement than does the determinate sentence. Furthermore, its vaunted flexibility is not greater than that provided under the determinate sentence. He believes also that the indeterminate sentence cannot be administered in accordance with its philosophy and that, in effect, it always resolves itself into a sentence with a minimum imposed by the board of parole or by statute, and a maximum imposed by statute or the court. Unfortunately, no one has taken the trouble to define either the indeterminate or the determinate sentence.

It seems to me that we need to go back to fundamentals to reorient ourselves in the meaning and philosophy of the indeterminate sentence and its implications for the institutions and parole. A truly indeterminate sentence is one in which the court commits the defendant to a penal or correctional institution without defining the limits of the commitment. The prisoner's release is determined largely on the basis of his response to a program of treatment and his readiness to return to society. Defective delinquents and insane criminals are committed in this fashion. In contrast, a definite sentence is one in which the court commits the defendant to a penal or correctional institution for a fixed maximum period determined by the court or by statute. The prisoner *cannot* be released prior to the expiration of the maximum except by exercise of executive clemency. Parole is not permitted. No state has a definite sentence as defined here,[15] nor does any state have an indeterminate sentence as defined here. What we do have is a mongrel combination of the two with the good-time concept thrown in.

I agree with Rector that the principles of the indeterminate sentence have never been given a full trial.[16] There are two reasons for this. One is that, historically, the commutation laws, better known as the good-time laws, antedate the introduction of the indeterminate sentence by about fifty years. Flexibility in releasing prisoners prior to expiration of the maximum term had already been provided, in some degree, by good-time deductions. Much of the legislation during the last half of the nineteenth century was concerned with the regulation of good-time allowances in an effort to permit as much flexibility as possible. In some states the allowances were not fixed by law but were regulated by the paroling agency or some other agency or official.

The other reason is that effectiveness of the indeterminate sentence depends completely on a good institutional program. Under it the criterion for release has to be the progress, the readiness for parole, of the individual prisoner. It presupposes an institutional program administered by a competent staff. The indetermin-

[14] Sol Rubin, "The Indeterminate Sentence —Success or Failure?" *Focus*, March 1949; "Sentencing Goals: Real and Ideal," *Federal Probation*, June, 1957; "Long Prison Terms and the Form of Sentence," NPPA JOURNAL, October, 1956.

[15] Rubin, *Federal Probation, op. cit.*, p. 52.

[16] Milton G. Rector, "Sentencing and Correction," NPPA JOURNAL, October, 1956.

ate sentence has failed because it has never been geared to a program of professional proportions. Meanwhile, under the good-time provisions, the prisoner was motivated to good behavior by promise of earlier release. The wardens were satisfied because this device was both convenient and humane. The tragedy lay in the fact that the program of the good-time laws—motivation of good behavior and industry—became the program also of the indeterminate sentence. It could not thrive on such a program. So it gradually lost its identity.

Good-Time Laws

The good-time concept is the greatest obstacle in the path of parole progress today, not only because it encourages merely superficial compliance with prison rules, but also because it interferes with the proper administration of parole. In terms of modern parole the good-time concept is an anachronism. It is unfortunate that the American Law Institute has so far retained the use of "good time" in the Model Penal Code on which it is working. It makes no sense to parole a man on evidence of positive response to a program and his readiness for release, and at the same time to give him, in addition, a time deduction for good behavior, as if good behavior in prison were not taken into consideration when parole was granted. As far back as 1913 the attorney general of Pennsylvania ruled that no person sentenced to an indefinite term was eligible for the benefits of the good-time law. In 1927 a Washington court perceived the nonsense of the practice and declared that the passage of the indeterminate sentence had repealed the good-time law. This made sense.

An even more pernicious use of the good-time deductions is their application to the end of a parole period. If we agree that good behavior in prison is always a condition of parole, and also for discharge from parole, and if the paroling agency has power to discharge from parole before the expiration of the parole term, what is the purpose of the good-time deduction at the end of the parole period? It merely encourages superficial compliance with parole rules, and may even tend to relieve the parole officer of the responsibility to work for genuine improvement in the parolee's attitudes.

In retrospect it appears that the concept of the indeterminate sentence came too early. Today we undoubtedly have institutions with sufficiently substantial programs and efficient staffs to support, if not a truly indeterminate sentence, at least one with a maximum fixed by statute, and no minimum. But a satisfactory program by itself is not enough. We need, in addition to the indeterminate sentence structure, integration of institution and parole services and courageous boards of parole.

There are many other areas of parole service that might be considered if space permitted: the knotty problem of the restoration of civil rights, interstate detainers, the place of parole camps, the role of institutional parole service units, the parole hearing, and parole revocation procedures are some. Each of these areas has problems that must be resolved. Work has been done in each of them, but much more needs to be done. We look to the National Probation and Parole Association to lead the way.

Juvenile Courts and Juvenile Probation

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"THE institution of the future which will carry on the work of our present juvenile and family courts will, in my opinion, retain many of the characteristics of such courts as they now exist. But they will be far superior to them, by reason of better equipment and the greater knowledge and understanding that shall have come to us as to manners, conduct, behavior, and the things that we call crime, vice, and immorality. We shall only recognize the kinship of the two as the modern locomotive, aeroplane, or automobile recognizes its beginning in the fussy, confused little machines that were, after all, their babyhood. In a word, the juvenile court of the future will be what grown-up men and women of today are to the children of yesterday."[1]

When Judge Ben Lindsey made this prophetic comparison in 1925, his choice of the locomotive, the "aeroplane," and the automobile was a little unfortunate. Two of them — the airplane and the automobile — came into being about the same time as the juvenile court, and the locomotive was not a great deal older. By 1925 all four had shown definite signs of growing up. But there the comparison ends. Now, in 1957, the descendants of the three "fussy, confused little machines" bear very little resemblance to their early counterparts. As science has broadened and deepened our knowledge, new principles have been built into these machines, and today each one of them is far more capable of performing its allotted role in our modern civilization than was its ancestor of 1925. The same, unfortunately, is not true of the juvenile court.

As we shall see, a firm foundation in philosophy, law, and scientific knowledge was laid for the juvenile court during the first few decades of its existence, but the promise it showed by 1925 has never been fulfilled. To see what I mean, suppose we listen first to what the people of those decades were saying about the juvenile court and juvenile probation. Then we shall be in a better position to judge whether we have today moved on to the jet age in the field of juvenile corrections or have remained relatively static for the past generation.

The Innocent Years

The first two decades of the juvenile court movement produced a wealth of philosophical comment so sound in conception and so modern in tone that it has scarcely been modified or improved upon since that time. In

[1] Ben B. Lindsey, "The Juvenile Court of the Future," New York, National Probation Association, *Proceedings*, 1925, p. 23.

fact, a very brief review of the literature of that period yields so many modern-sounding passages that only a small sample can be repeated here to illustrate the thinking of the times.

These first two decades were also notable for the rapid inclusion of this philosophy in the statutes of almost every state in the Union. Indeed, it was apparently believed, during these "innocent years," that a sound philosophy written into law would pretty well solve the problems posed by juvenile offenders against society.

As we all know by now, the juvenile court movement began with the creation, in 1899, of the first juvenile court in Chicago. The Committee of the Chicago Bar Association (which sponsored the act creating this court) summed up the purposes of the new law:

"The fundamental idea of the [juvenile court] law is that the state must step in and exercise guardianship over a child found under such adverse social or individual conditions as develop crime. . . . It proposes a plan whereby he may be treated, not as a criminal, or legally charged with crime, but as a ward of the state, to receive practically the care, custody, and discipline that are accorded the neglected and dependent child, and which, as the act states, 'shall approximate as nearly as may be that which should be given by its parents.' "[2]

A few years later, in 1909, it was said another way: "The main object, under the old system, was the punishment of the child. Under the new system the main object is his restoration and reclamation."[3] And the same pamphlet tells how this was to be done: "The first effort should be to improve the home. . . . But if this cannot be done, the court is under obligation, *as a last resort* [italics mine], to take the child into its own custody, and put it into a proper home, for training and care. . . . If the character of the child is such that he is not likely to respond to the influence of a good home, he may be sent to an institution. . . . Some children need institution treatment, but the purpose should be reformation, and commitment to an institution should be the last resort."[4]

As early as 1906, we are told what is needed for the child who does not require "institution treatment": "The probationary oversight of juvenile offenders should include full knowledge of all the important factors in the child's life affecting his conduct. It should certainly include full knowledge of his home surroundings; of the training received in the home; of his attendance at school and his aptitude shown in his school work; of his forms of recreation; of his religious training. It should also include that which is very frequently overlooked but is, nevertheless, of the highest importance—a careful physical examination of the child by a competent physician."[5] As the "innocent years" drew to a close in 1920, this concept was expressed in even more modern form: "Probation or supervision is not a negative force designed merely to prevent the recurrence of antisocial conduct, but a constructive effort to

[2] Quoted by Roscoe Pound in "The Juvenile Court and the Law," New York, National Probation Association, *Yearbook*, 1944, p. 13.

[3] *The Modern Juvenile Court and Its Probation System*, Massachusetts Prison Association, 1909, p. 5.

[4] *Ibid.*, p. 9.

[5] *Report of the Probation Commission of the State of New York*, 1905-1906, p. 64.

secure for the child the fulfillment of those essentials of physical well-being, mental health, home life, education, and social activities which may be lacking."[6] How many of us could say it more precisely, or more concisely, today?

In the meantime, the kind of philosophy expressed above was being written into the laws of the land. In 1923, Katherine Lenroot reported: "By the end of the second decade of the juvenile court movement every state but two had enacted laws providing for juvenile or children's courts."[7] But the "innocent years" were over and, in the same pamphlet, Miss Lenroot sounded an ominous note: "Only 321 courts, or 16 per cent of those from which information was obtained [in a 1918 Children's Bureau study], had even the minimum degree of specialization used as a basis of comparison; namely, separate hearings for children, officially authorized probation service, and the recording of social information."[8] From this and other findings of the study, Miss Lenroot drew a conclusion: "These facts present the darker side of the picture. They show that the juvenile court is still in an early stage of development, and reveal the urgent need for further progress."[9]

The philosophy of "the state in the interest of the child" dispensing "individualized justice" had, by now, been pretty fully developed and expounded; and, except for two states (they got into the boat very shortly thereafter), this philosophy had become the law insofar as children were concerned. Yet—with something of a start, it seems—the recognition dawned that this was not enough. This recognition, plus the impact of a new way of looking at human behavior, marked the beginning of a second phase in the juvenile court movement.

Between Two Wars

"Our 1925 offender is the exponent of the sagging morals of her time, for parents have calmly shifted their responsibility. Our last annual report tabulates the greater number of delinquents as coming from the unbroken home, a rather suggestive item. But who can say that today's girl, intoxicated with freedom, jazz, personal liberties, sex interest, may not be equipping herself with a knowledge of priceless value, an intimate understanding of life itself."[10]

Here for the first time in my admittedly sketchy review of the contemporary literature I found the suggestion that the child whose behavior varied from the norms of the older generation might need help but not necessarily "reclamation." In the article from which that quotation was taken, Mary Edna McChristie, then a referee in the Cincinnati Court of Domestic Relations, voices the wavering trust in earlier standards of morals, manners, and behavior which pervaded this uneasy era between two wars. Two themes seem to predominate in the writings of the twenties and thirties: the realization that passing a law did not necessarily bring

[6] Evelina Belden, *Courts in the United States Hearing Children's Cases*, Government Printing Office, Washington, D. C., 1920, p. 9.

[7] Katherine F. Lenroot, "The Evolution of the Juvenile Court," *Annals of the American Academy of Political and Social Sciences*, January, 1923, p. 4.

[8] *Ibid.*, p. 5.

[9] *Ibid.*, p. 5.

[10] Mary Edna McChristie, "The Probation Officer of 1915 and 1925," New York, National Probation Association, *Proceedings*, 1925, p. 20.

true juvenile court practices and services to all the children in a state, and the recognition that earlier treatment of the juvenile offender had been aimed at altering misbehavior, not at eliminating its causes.

As early as 1920, Evelina Belden wrote: "Increasing recognition is being given to the importance of the extension and development of juvenile court organization, that all children who come before the courts may have an equal chance. The problem for the immediate future is the working out of practical methods by which the principles of the juvenile court may be universally applied."[11]

The chief concern was that juvenile courts were being created by law, but in name only. For example: "But the future of this monumental work of adjusting children to life depends upon the effectiveness of probation, *the only real reason for a court's existence* [italics mine]. And probation depends absolutely upon the vision of the judges and the equipment of the probation officers."[12] And again: "Without definite provisions for the investigation and supervision of children's cases an attempt to socialize the treatment of children who reach the courts would be fruitless."[13]

This concern, however, was not confined to the quantity of available court services. It went much deeper than that, and was rooted in the growing recognition that human behavior is exceedingly complex and does not necessarily improve through mere association with a kindly probation officer of good character.

In 1922, Miriam Van Waters wrote: "Socialization [of juvenile court procedure] implies that judges and court officials are to be experts, experts with scientific training and specialists in the art of human relations."[14] And, in 1923, Katherine Lenroot reported: "Often the prime essential—a staff of workers fully trained and qualified—is difficult to secure, owing to faulty methods of selection or to the inadequacy of the salaries allowed. . . . Provision for the training of probation officers after their entrance on duty, and for the general supervision of the probation staff, is inadequate in the majority of the courts."[15]

By 1928 the tone of these comments was becoming almost desperate, as illustrated by the following blasts from Helen MacGill: "The juvenile court without trained probation officers, psychiatrists, and investigators can only masquerade as a juvenile court—a wolf in sheep's clothing, old, toothless and incompetent sometimes, but still a danger. What purpose is served if a doctor prescribes but there be none to give the patient his medicine or see that the directions are followed?"[16] And again: "We know that criminals and crime conditions are not being met scientifically. . . . We are in dire need of more real thinking and education and of less hysteria, less, much less, dogmatic advice from the virtuously ignorant and more real help from sanely thinking men and women. Furious and wild shouting for more lashes, heavier punishments, is the fear reaction of the uninformed and unthinking."[17]

[11] Belden, *op. cit.*, p. 16.
[12] McChristie, *op. cit.*, p. 16.
[13] Belden, *op. cit.*, p. 51.
[14] Miriam Van Waters, "The Socialization of Juvenile Court Procedure," *Journal of the American Institute of Criminal Law and Criminology*, May, 1922, p. 61 *ff.*
[15] Lenroot, *op. cit.*, p. 8.
[16] Helen Gregory MacGill, "Juvenile Courts," *Welfare Magazine* (State of Illinois), May, 1928, p. 4.
[17] *Ibid.*, p. 8.

In 1937, as the era between two wars was drawing to a close, we find Charles Chute making a less passionate, more objective evaluation of the juvenile court movement up to that time. He even attempts to end his evaluation on a note of optimism, but his optimism sounds discouraged: "It must be admitted that much remains to be done before juvenile courts can attain the ideals of their founders, but friends of the court and of the child should not yield to pessimism because of breakdowns and failures in some of our cities, and of delays in extending the juvenile court into rural areas. To be discouraged with the struggle to develop socially efficient courts is to be discouraged with democracy. The awakened public demand that the crime problem be solved preventively is an opening for a direct attack on the lethargy, conservatism and parsimony which have held back the juvenile courts from full development into the social instrumentalities visioned by the men and women who made the fight for their establishment. Their concept of juvenile courts deserves a fairer, fuller test than it yet has had. At least some courts have demonstrated that it is possible to have good courts, too good certainly to throw away."[18]

By the close of the fourth decade of the juvenile courts' existence, then, it was becoming quite clear that the original impetus of the movement had slowed to a walk. The original philosophy was still accepted with little or no change; every state had laws which, in theory at least, brought the juvenile court to every county and township; and the scientific understanding of why people behave as they do, that understanding to which the 1920's had turned so hopefully, was increasing day by day. Yet the facts were clear—the vast majority of courts hearing children's cases were not equipped to diagnose their problems, prescribe remedies suited to their individual needs, or provide the treatment necessary to help them.

But two more decades have passed since 1937. What of the present? Have we overcome the faults so evident at that time and, like the "fussy, confused little machines," moved on to a new era of efficiency and quality of performance? I think not.

Dead Center

While a few courts here and there throughout the nation can point with justifiable pride to real progress achieved during the past twenty years, the facts I have been able to gather indicate that the juvenile court movement as a whole has reached that status known in the field of mechanics as "dead center"—that is, the position in which an engine's connecting rod and crank shaft form a straight line with the result that no force can be exerted and the whole works comes to a dead stop. This conclusion is derived from three observations: (1) the present condition of our juvenile court system is deplorable, both as to universality of coverage and as to professional quality of service; (2) there is no concerted movement in progress or on the drawing boards to require, or even to help, juvenile courts to obtain professionally qualified staff; and (3) there is no concerted movement in progress or on the drawing boards to make juvenile court services of acceptable quality available to all children in all localities. These observations are demonstrable.

[18] Charles L. Chute, "These Juvenile Courts of Ours," *The Survey*, February, 1937.

As evidence of the truth of the first observation I shall cite three statewide studies made during the past two years. To avoid embarrassment to these states, I shall neither name them nor quote directly from the studies. If I were to name them, however, I believe you would agree with me that they are by no means the most backward in the country; in fact, the odds are about two to one that your own state's juvenile court system is in even worse shape than the three cited.

In one of these states, over 90 per cent of the courts with juvenile jurisdiction are presided over by men who are elected as clerks of another court, not specifically as judges. They are not required to have legal training or any other special education. Most of these so-called juvenile courts have no special quarters or hearing chambers and no special files for juvenile legal records, and they must borrow probation service from outside agencies already overburdened with their own work. Over 70 per cent of the people in this state live in counties served by such courts.

In another of these three states, less than 25 per cent of the chief probation officers and 50 per cent of the probation officers have a college degree. Over 60 per cent of the chief probation officers and 30 per cent of the probation officers have a high school education or less. In a field in which a caseload of fifty is considered an absolute maximum by national authorities, 40 per cent of these probation officers were carrying caseloads ranging from 100 to 200, and 20 per cent had caseloads of over 200. One officer was "supervising" over 800 probationers.

In the third state, less than 30 per cent of the chief probation officers and 50 per cent of the probation officers had college degrees or better. In this state, over 75 per cent of the juvenile probation officers were carrying caseloads ranging from 100 to 300.

Under these circumstances, it is not surprising that large segments of the public, the press, law enforcement agencies, and other interested bodies have become increasingly critical of the juvenile court's accomplishments in the control and prevention of delinquency. Because they are not fully informed of the true condition of our juvenile courts, these groups often blame the courts' failure on their use of "treatment" instead of "punishment." In reality, however, their failure is due to their lack of equipment to provide a program of effective treatment. In short, only a small percentage of our juvenile courts in 1957 have the trained staff, the clinical facilities, and other equipment necessary to provide the socialized procedure foreseen by the founders of the juvenile court movement.

The Crystal Ball

I do not pretend that I can foresee the direction the juvenile court movement will take when it gets off dead center, as I am sure it will. I do believe, however, that two present blocks must be removed before any real progress will be possible. These are the mediocrity of treatment staff, and the lack of geographic coverage by fully equipped juvenile courts.

The former, I am convinced, will be removed only when "practicing" as a juvenile probation officer is impossible without a special degree awarded for passing a special examination, just as it is now impossible to

practice medicine or the law without a license. While it is true that we still have mediocre doctors and lawyers, even with the legal and professional safeguards surrounding these professions, it is also true that the great majority of doctors and lawyers are better qualified to practice their professions than are the majority of juvenile probation officers. The requirement of a professional license for juvenile probation officers would not guarantee perfection, but it would assure a far better quality of treatment service than we are now getting.

To achieve full geographic coverage by fully equipped juvenile courts, we must stop relying on local governments to perform a job beyond their limited financial abilities. I do not know whether the answer lies in a system of state-operated courts, in state subsidies to local communities, or in some other method, but some means must be found whereby every child, regardless of where he lives, will have access to a juvenile court as rich in treatment resources as those in our largest cities. Under our present system, state laws create juvenile courts in every part of the land, but these courts are a mockery because the smaller communities (and they constitute the majority of all our communities) cannot afford the services without which a juvenile court is only a minor criminal court.

Extension by Infiltration

Two bright spots deep in the crystal ball show that the philosophy of rehabilitation instead of retribution is still a living and growing force. While the juvenile court movement which sprang from this philosophy was grinding to a halt, the philosophy itself had begun to infiltrate into new areas. In fact, it moved both upward to encompass the young adults who had so recently graduated from juvenile status, and downward to take in the family problem cases from which most of the juvenile court cases came. Its upward movement is becoming apparent in laws authorizing special treatment of youthful offenders, youth courts, and state youth authorities. Its downward movement shows up as an increasing use of a treatment approach to domestic relations cases, the establishment of family courts, and so on. In neither direction has the movement yet gained much momentum, but where there is movement there is life, and where there is life there is hope.

Juvenile Detention

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ALTHOUGH the first juvenile court in this country came into being after loud citizen protest against treating children like criminals and holding them with adult offenders in the Cook County jail, no sentimental appeal against jailing children sparked it. If it had, legislation would have established detention homes rather than juvenile courts. The creation of the juvenile court was based rather on the fact that a young law violator is immature and is still capable of growth and in need of mental, physical, emotional, and social guidance. The laws of most states make this clear when they state that the child coming under juvenile court jurisdiction should have such "care, guidance, and control as should have been given him by his parents."

The Case against Jails

The case against the use of jails for children and youths of juvenile court age rests on this fact—that children are still developing, whatever their size or sophistication. To place these youngsters behind bars at a time when the whole world is against them, when their belief in themselves is shattered or distorted, merely helps to confirm the criminal role in which they see themselves. Jailing delinquent youngsters plays directly into their hands by giving them delinquency status among their peers. Should they resent being treated like adult criminals, they are likely to strike back violently at society after release. The public tends to forget that every youngster placed behind bars returns to the community which put him there.

The case against jail detention today is stronger than it was fifty years ago because we know more about the causes of antisocial and abnormal behavior. We know that treatment must be applied early to be effective.

One of the most common fallacies about jailing children and youths is the belief that it damages the younger, less sophisticated ones but may have a salutary effect on older, more serious offenders. The reverse is more generally true. The younger or less sophisticated child is much more likely to be shocked into reform by a jail experience than the youngster with a serious record. But detention for the boy or girl who has not yet fallen into a groove of antisocial behavior is unnecessary and can also be destructive. Probation following apprehension for delinquency can do a more effective job with these youngsters than shock treatment because it can begin removal of underlying causes. The "young criminal" or "young hoodlum" may very well need detention, but it must be detention with services which begin treatment, not incarceration which pushes him further from it.

If there is any doubt about the psychological effect of jail detention, there can be none about the physical

conditions of our jails. Few are rated fit even for adult federal prisoners. The inspection reports of the Federal Bureau of Prisons and a recently published illustrated bulletin of the National Jail Association speak for themselves.[1]

In many states the statutes hold that children should be placed not with adult prisoners but in a section of the jail separate and apart from adults. This apparently reasonable stipulation backfires in practice: its result is that in most small jails boys are kept in the women's section but are moved into the men's section as soon as girls or women are detained. In other jails, boys and girls are kept in solitary confinement, or in bull pens where, without supervision, the older or more disturbed youngsters beat and abuse the younger or weaker ones. In many such "separate juvenile quarters" neither an adult prisoner nor a guard can hear their cries. These conditions are typical, not unusual, throughout the country. Even dependent and neglected children are held in jails in this manner in some communities.

The solution lies neither in assigning separate quarters for juveniles in jails and lockups, nor in holding only the more dangerous delinquents in such places and sending the "nicer" delinquents to detention homes. If we are to make any real headway in fighting delinquency and crime, the detention of all juveniles must be pried loose from the pennywise but pound-foolish methods too often characteristic of the handling of adult offenders.

[1] "Jails and Lockups: the Story of America's Human Garbage Can," New York, National Jail Association, 1957.

Delinquency-producing Detention

Statutes ought to provide that when a child apprehended for a delinquent act is removed from his parents' custody, detention care should be conducive to his rehabilitation. But after half a century of juvenile court operation, the detention of children and youth awaiting court disposition is still a national disgrace. Delinquency-producing detention is still found throughout most of the country. The principal reason is that juvenile jurisdiction is lodged in our county court system instead of in special state or district courts. Most of the statutes authorize counties to provide detention homes, but most of our 3,068 county courts have too few children to detain to justify building a detention home. Obviously these counties must use police lockups and county jails to detain their children. In larger counties which have detention homes, officials are reluctant to spend the money for staff and program necessary to assure up-to-date standards. Ninety-five per cent of our juvenile jurisdictions still use obsolete county jails or operate children's jails known as "detention homes" which offer little more than "sanitary, humane custody."

But what right has a court to sanction the removal of a child from his home if the type of care he receives contributes to his delinquency as much as did the lack of proper care in his own home?

Temporary Secure Custody

Detention is the temporary care of children for whom secure custody in physically restricting facilities is required for their own or society's protection, pending court disposition or transfer to another jurisdiction or

agency. Almost without exception, these children have committed delinquent acts.

Any temporary care facility for children which has locked outer doors, a high fence or wall, and screens, bars, detention sash, or other window obstructions designed to deter escape, is a detention facility—no matter how flimsy these restricting features are.

During the formative years of the juvenile court, little distinction was made between the temporary care of delinquent children on one hand, and of dependent and neglected children on the other. Most courts were willing to settle for one institution to house all children under their jurisdiction, for short- and long-term care, punishment, rehabilitation, and a host of other purposes.

In the last ten years, the specially designed building has arrived; the all-purpose detention home is disappearing, and shelter care for children is becoming recognized as a child welfare service to be provided separately from the detention of delinquents.

Detention objectives have often been unclear and from the beginning have differed from court to court. There was no definition of which children ought to be detained, but there was emphasis on getting children out of jail with little regard to the type of facility in which they were placed or the training of staff required for their care. Some juvenile court laws specified that detention facilities should be operated like private homes, ignoring the fact that no private home has to cope with children of different backgrounds, picked up for delinquent acts, and held usually against their wills for their own and the community's protection. Even specially designed family-type detention homes presided over by a "mom and pop" team fail to keep out of the jail the youngsters who most need good detention service.

Like the "get tough with young criminals" approach, the "give them a home environment" suggestion oversimplifies the problem. Most statutes make no reference to the type of care to be given to detained children, assuming that it will be in keeping with the stated purpose of the juvenile court. It seldom is.

The largest cities in the United States—Chicago, Los Angeles, New York—were the first to establish special detention homes for children. Although these facilities served the court, none of them was operated by the court. Some of the early detention homes were advanced in one respect or another for their day. Essex County (Newark), N. J., and Milwaukee, Wisc., recognized the importance of individual sleeping rooms; Los Angeles, the value of open play spaces. Most of the early detention homes provided school programs, even though the length of stay was short.

So little was contributed to the literature of detention between 1899 and 1932 that one can only conclude that the development of detention home practices remained at a standstill. Once a detention facility was established, its operation appeared to be taken for granted. Occasional references to detention homes appeared in juvenile court reports and an occasional article was published in the National Probation Association's Yearbook. The prevailing attitude was that detention was a necessary evil.

First National Standards

In 1923 the Children's Bureau, in cooperation with the National Probation Association, published the first official juvenile court standards, in-

cluding little more than one page on juvenile detention.[2] These standards stressed keeping children out of jails and police lockups, limiting detention to those for whom it is absolutely necessary, and keeping detention as short as possible. No distinction was made between detention care for children who needed secure custody and shelter care for those who did not. Thus grew the anomaly of boarding home detention and all sorts of strange detention facilities. Any place other than a jail or police station was considered satisfactory. Detention rooms in courthouse basements, rooms with barred windows in hospitals, almshouses, private homes—even the sheriff's dwelling—were pressed into service, as they still are in smaller communities today.

In a brief paragraph on methods of detention, *Standards for Juvenile Courts* recommended physical and mental examinations for detained children, with the proviso that children not be placed in detention solely for this purpose. The detention home was not to be used as a disciplinary institution; specialized school work and full and varied recreation activities were considered essential. These reasonable objectives were far ahead of the detention practice of their day and still represent goals to be achieved in most communities.

In 1930 the National Probation Association felt sufficient concern over the problem to make a systematic field study of detention home practices. Detention homes in 141 areas, including most of the larger cities, were studied. The report, the first description of actual practice, is still so typical of conditions that, except for an increase and some improvement in new buildings and in the number of children detained, it might well have been written twenty years later. Many published articles[3] further documented the unsavory detention conditions prevailing in otherwise progressive communities. Less publicized but more thorough were studies of detention made by the Association's field staff in connection with juvenile court surveys.

In 1945-1946, NPA undertook a second systematic field study of detention homes, this time as a basis for developing specific standards. State agencies, requested to supply a list of the best facilities to visit, stated in reply after reply: "We have no detention home in our state." "We have no detention home in our state worth visiting." "We have only three detention homes in the state but the best one could be called only fair by minimum standards."

On the spot field studies were made of every major detention home in twenty-two states. The worst aspects revealed in these were reported to the 1946 National Conference on the Prevention and Control of Delinquency. Little progress had been made in thirteen years. After describing two better-than-average detention homes, each typical of one kind of facility, the report stated:

> In the first kind, poor building, lack of segregation, understaffing, lack of trained personnel, and low budget throw mixed groups of children unsupervised into bull

[2] *Standards for Juvenile Courts*, New York, National Probation Association, 1923.

[3] See, for instance: Marjorie Bell, "Children Under Lock and Key," New York, National Probation Association, 1938; Roy Casey, "Children in Jail," New York, National Probation Association, *Yearbook*, 1943; Vera Connolly, "Get the Children Out of the Jails," *Woman's Home Companion*, November, 1944.

pens and crime schools. In the second kind of detention home two factors are at work: the need to keep a fine building as a showplace, plus the need to serve with an untrained staff twice as many children as a trained staff could handle well. The result is a vicious system of regimentation completely at cross purposes with everything we know about making useful citizens out of erring youth. . . .

We are disturbed when children meet with barrenness, hostility, cruelty, and immoral influences in their own homes. And yet, in detention homes such as those described, thousands of children a year meet concentrated conditions of barrenness, hostility, cruelty, and immoral influences and are confused about what society . . . really wants for its children.[4]

Recommendations resulting from the study were published by the Association in 1946 as *Detention for the Juvenile Court, A Discussion of Principles and Practices.* This was followed in the same year by *The Design and Construction of Detention Homes for the Juvenile Court.* For the first time recommendations on building, staff, program, and professional services were available. These two books, together with full-time field consulting services offered to communities without charge, sparked considerable interest in detention.

Postwar Building

In 1946, the postwar lull in delinquency was ending; building a detention facility seemed to be an easy method of meeting a growing problem. With guide materials available, the architectural design of detention homes began for the first time to be functional. Small group units with individual sleeping rooms and varied activity areas were planned to provide maximum visual and auditory control. Safety glass wall panels and many other special nonjail-like security devices were used. Activity was emphasized; idleness was discouraged. Most of the buildings were designed so that a small staff could at least provide supervision and a good staff could function efficiently.

However, to supplement the published guides, more service was needed than could be given by one consultant for forty-eight states. Unfortunate compromises were made in building design and construction in order to "save" money. Even more disastrous compromises were made in staffing a facility after it was built. Some judges, architects, or county commissioners thought they had all the knowledge necessary to design a detention home after a junket to nearby and usually poorly designed facilities. They simply did not know what to look for. A few used the Association's consulting service only to gain local approval, but most courts and citizen groups saw consulting service as an opportunity to utilize years of accumulated experience in all parts of the country. On the whole the hundred or more detention facilities built during recent years are far better than those built before 1945.

One state, California, employed its own detention consultant and, with the aid of its own manual, embarked on a building program which is still in process. Between 1950 and 1957, twenty-two California counties constructed new juvenile halls (detention homes) or drastically remodeled or expanded old ones, at a cost of over seventeen million dollars. With a ris-

[4] "Report on Juvenile Delinquency," National Conference on Prevention and Control of Juvenile Delinquency, Washington, D.C., Government Printing Office, 1947. This served as the basis for field consultation and for the more specific *Standards for the Detention of Children and Youth* to be published in 1958.

ing population and a high rate of detention based on police authority that legalizes it for forty-eight hours, the juvenile hall movement in California may be in for even further expansion.

Detention Today

To draw a national picture of detention today one must not be confused by a few new buildings. Detention has for too long been "a place to put children" instead of a first-aid station for youngsters disturbed enough to require secure custody.

There is growing evidence of a more constructive approach to the detention of children, but with this approach go growing pains which place more emphasis on buildings than on staff, more emphasis on detaining children picked up by the police than on returning them to their parents with prompt and effective casework pending court disposition. America's "lockup complex" is tending to make delinquent youngsters indifferent to police arrest and routine detention.

A hundred new buildings in the larger jurisdictions still leave over 2,500 juvenile courts in the United States with no place of detention but the county jail and approximately 400 with outdated buildings or makeshift jail substitutes.[5] These makeshifts include private houses with bars or heavy screens on the windows and reinforced doors. Many of them are firetraps and have such devices as openings in the doors to the children's "cells" through which to shove food. Similar jail substitutes can be seen in detention rooms located in courthouses, police stations, county homes for the aged, and other public and private institutions. Some are remodeled buildings or homes built for detention which present a pleasing appearance to the uninitiated but are little more than children's jails, having neither space nor staff for program activities.

Statewide surveys in Michigan, Illinois, and California have documented juvenile detention in three better-than-average states.[6] These surveys give a fairly typical picture of detention throughout the country (with the qualification that in many states, only the principal cities have detention facilities). A more detailed picture can be obtained from a recent survey of the Summit County detention home in Akron, Ohio,[7] where five girls killed a matron in November, 1955. Built in 1930, it was considered to be one of the better detention homes in Ohio. This study shows how deceptive outward appearances can be when there is insufficient, poorly planned space within the building, insufficient staff for proper supervision, no constructively planned program, and lack of direction by trained personnel. Summit County has just voted $1,500,000 for a new court and detention home. It remains to be seen whether it will be properly designed for the recommended capacity or whether it too will succumb to our national lockup complex, with extra beds crowding out program ac-

[5] Statistics on juvenile court and detention activity are available in only a few states. These figures are estimates based on NPPA field observation.

[6] *The Detention of Children in Michigan*, New York, National Probation and Parole Association, 1952; *California Children in Detention and Shelter Care*, New York, National Probation and Parole Association, 1954.

[7] *Services to Delinquent Children of Summit County (Akron), Ohio*, New York, National Probation and Parole Association, 1956.

tivity space and insufficient personnel without trained direction.

Notable Buildings

Raising standards in detention on a state or national level is possible only as individual counties construct practical buildings, individual courts establish sound intake controls, and individual detention homes demonstrate the effectiveness of really adequate staff and program. No one community has succeeded along all these fronts—an outstanding building does not necessarily mean an outstanding program, and vice versa—but during the past twelve years there have been significant gains in each of them.

Philadelphia was the first large city to construct a detention home with small segregated group units, each for less than sixteen children, all in the same building and each having individual sleeping rooms, unit recreation rooms, quick access to centralized dining, school, and activity areas, and offices for medical, psychiatric, and casework staff easily accessible to the units. After careful study, Detroit is soon to construct a similar building with more adequate centralized facilities and slightly larger activity areas within the units. Indianapolis is about to build, at a cost of $1,500,000, an air-conditioned juvenile court and detention home, using the same principles of design but in a unique, compact, single-story structure. A number of the California juvenile halls also have used sound principles of design, except that the population of their group units is larger, and a spread-out, sprawling arrangement of buildings makes it difficult to supervise staff and administer professional services to children.

The Cincinnati building, well designed for a medium-sized jurisdiction except for inadequate unit recreation areas and lack of important special features, includes court and probation offices in an independent wing. Another type of medium-sized facility, also with court attached, is the one in Portland, Ore.

Smaller detention buildings of good design can be seen at Kansas City, Kans.; Des Moines, Iowa; Canton, Ohio; St. Paul, Minn.; and, with the juvenile court attached, at South Bend, Ind., and Minneapolis, Minn.

A family-type detention home for *less* than fifteen children is recommended for a county only as a stopgap measure until a regional detention home serving a group of counties can be constructed. Two of these family-type homes can be seen in Pennsylvania—one in Doylestown, another in Allentown.

Special School Programs

The next most outstanding advance in detention has been the development of special school programs. The public school systems have gradually accepted their responsibility under the law to provide educational services for detained children regardless of the shortness of their stay. Instead of retired teachers or substitutes, teachers trained in special education are now required in an increasing number of detention schools. The twelve-month program, however modified during vacation periods, is a reality detention home schools are recognizing. In some communities, schools in detention homes have become a special resource for the public school system for developing techniques of handling difficult youngsters. Teachers and principals of schools in depressed areas have taken advantage of vacation assignments in detention home schools to increase

their knowledge and their skill in handling delinquent children.

Most detained children have severe school problems. Specially trained teachers, unbound by traditional classroom procedures and working with small groups on an almost individual basis, have successfully used modern diagnostic and therapeutic techniques. A good school experience in detention not only gives the child a better attitude toward school work; it makes possible a better understanding of how he can be reached, which is passed on to the court, the child's own school, or the school at the institution to which he is sent.

Good detention schools are reported in New York City, Philadelphia, Detroit, Chicago, Cincinnati, Denver, Los Angeles, and Oakland, Calif. Special conferences between detention administrators and school principals have been held in California where there is close cooperation between the detention committee of the state probation and parole association, the state consultant on detention, and the state department of education. In the caliber of their programs and in their handling of behavior, detention home schools are generally far in advance of the nonschool activities.

Number of Staff

A third significant development can be seen in the movement away from residential staff and toward personnel employed on the forty-hour work week basis. This has added tremendously to the size of detention staffs. (It takes five persons to fill one position around the clock for 168 hours per week, including vacations, sick leave, national holidays, etc.) It has also added to operational costs. While increase in staff is in line with present personnel standards, lack of sufficient increase in salary has tended to lower the quality of personnel and has multiplied the turnover. Trained group counselors directly in charge of children are out of the question for some time, but untrained personnel should be closely directed by persons with social group work and social casework training. Except in the very smallest homes this cannot be done by probation officers or even by the detention home superintendent.

Because of increased costs, many positions necessary to the operation of the institution are left vacant. The result is that essential functions are neglected or staff is drawn away from program and groups of children are left unsupervised. Even more serious has been the employment of untrained staff in three shifts without the necessary supervision by trained personnel.

Many persons are attracted to detention home work because of their need to "do good" or to exercise authority. Without close supervision by qualified caseworkers or group workers, the child's experience in detention may add to the damaging experiences which contributed to his delinquent tendencies before he arrived. Taxpayers are short-changed when the money they think is buying services actually pays only for "going through the motions" of essential services.

Good detention care requires a 3:4 to 4:4 ratio of staff to the maximum number of children held. Such a ratio is found in the New York City, Newark, and Philadelphia detention institutions and in the better homes in many smaller jurisdictions.

Short-term Treatment and Study

Still another significant development can be seen in the growing concern for a well-balanced treatment-

oriented program. However short the child's stay, its value for him will depend upon the type of treatment he receives. Lack of a program with sound treatment objectives means idleness, gossip about the children's own delinquencies, and solitary confinement—which all adds up to a destructive experience.

Too many detention homes provide a recreation program only because it has been found necessary for morale and discipline to make the institution run more smoothly. Recreation and entertainment with these objectives gives the detained youngster a distorted picture of the purpose of detention. Tied in with treatment goals under a qualified director, however, the recreation program can mark the beginning of the child's rehabilitation.

As a diagnostic and treatment tool, a good activity program enables staff to observe the child's interests, abilities, and skills, methods of reaching him, and his relationships to others under as normal conditions as a confined setting will allow. It is unrealistic to expect group counselors to administer unaided a meaningful program of activities while maintaining constant supervision of a group, admitting new children, releasing others, and handling with wisdom and foresight the many behavior problems which arise.

A variety of recreation skills is required to meet the varied interests and abilities of youngsters differing widely in age, size, intelligence level, and degree of emotional disturbance. Qualified staff free from direct responsibility for supervising a group is essential for effective activity programs, regardless of the size of the facility. Recreation workers, recreation therapists, and social group workers are usually present today on the staffs of detention homes where the rich and varied programs recommended by the 1923 detention standards are found. The New York City Youth House for Boys employs a staff of nine recreation workers independent of its group counselors and caseworkers for a maximum population of 175 children. The Essex County Youth House in Newark, N. J., employs, in addition to caseworkers and group counselors with recreation training, two social group workers in key positions. Its maximum population is seventy-five boys and girls. Most of the better detention homes today employ specialists for such activities as sports, dramatics, music, and arts. Some are volunteers supervised by staff persons.

One of the most significant recent gains has been the development of treatment services within the detention home. This does not mean that the detention home is being used simply as a treatment resource or as a study home; it must always remain primarily a place providing secure, short-term custody. It does mean that children of juvenile court age who are sick enough to require short-term custody are sick enough to need individual and group treatment by the best trained personnel available. It does mean that day-to-day observation of the detained child should be evaluated by a qualified person and made available to the probation officer and the court. A child in detention in New York City, Newark, Buffalo, Indianapolis, Toledo, or Detroit, for example, is assured of the attention of a trained worker who is not responsible for group supervision or administration. Careful program planning and the judicious use of casework can prevent behavior problems from reaching the acute stage. When be-

havior crises do occur, the caseworker in the institution can tackle the problem with the child and help him understand himself with relation to it.

As the gatherer and interpreter of information from the detention home school, group counselors, the chaplain, the recreation staff, and even the maintenance workers, the social caseworker is in a unique position to evaluate the child's problems and potentialities. This information is passed on to the probation officer with whom the detention caseworker frequently confers. The detention caseworker is concerned with the child's adjustment within the detention home and, as part of the detention staff, works closely with the group supervisor. The caseworker's training also makes it possible to identify a child's need for clinical study on the basis of observation within the detention home. With the social caseworker and the social group worker teamed up with a consulting psychiatrist, the treatment or social service unit in the detention facility is the best guarantee against delinquency contagion. It is also the best guarantee against indiscriminate and damaging "isolation"—the modern substitute for corporal punishment. More important, social service units in detention homes make possible a degree of in-service training not otherwise achieved.

Except in the New York City and Newark Youth Houses, such social service units have not yet arrived.[8] That they are coming can be seen in the growing number of detention homes of all sizes which have successfully employed trained social workers and either have their own psychiatrist or use court or community clinical services. It must be emphasized, however, that the presence of casework and clinical services does not justify detaining children for study who do not require secure custody. The detention home cannot be a substitute for the longer-term diagnostic and treatment center.

Control of Admissions

Advances in the detention care of children bid fair to be wiped out if juvenile courts fail to take the initiative in controlling detention admissions. Police detention of children without juvenile court authorization for two to five days or more is used too often when it is unnecessary. Unnecessary detention not only damages the child by giving him delinquency status and further reason to fight the world, but fills the detention home with a constant turnover of many as yet unsophisticated boys and girls. When this occurs, the program cannot be geared to the more disturbed youngsters.

In some counties the number of children detained, including those held only overnight, is less than 5 per cent of the total referred to the court for delinquency; in other sections with comparable police-to-court referral practices, more children are detained and released than are referred to the court for delinquency. Local custom rather than thoughtful policy appears to be the reason for the difference.

Availability of beds in good detention homes tends to create a custom of overusing detention even when the facilities become overcrowded.

NPPA field studies have shown that where the rate of detaining is high, special probation staff, special procedures, and the cooperative efforts

[8] Frank J. Cohen, *Children in Trouble*, New York, W. W. Norton, 1952.

of court and law-enforcement agencies can bring the rate down. Fear that some children will not be detained who ought to be has usually proved unfounded, particularly when effective casework with the undetained youngster is applied. *The experience of communities that have low rates of detention shows that nondetained children, like adult offenders out on bail, rarely run away or commit other offenses pending court disposition.*

The recent development of well-staffed intake units within the probation departments of juvenile courts holds promise for more effective control over detention admissions. Some of these units have arranged to have personnel on duty or on call after court hours to interview child and parents and determine whether the child should be held in detention or released in the custody of his parents pending court hearing. Where court intake units have worked closely with law enforcement agencies within a well-defined court policy, a better mutual understanding of police problems and juvenile court practice has resulted.

The effectiveness of the court's control over detention intake depends not upon petition filing procedures, preliminary hearings, or detaining and release orders. While these actions are necessary checks, they usually occur after the child has been detained. The effectiveness of the court's control lies in prompt intake service at the point of police referral for detention. Detention intake control during and after regular court hours is the court's responsibility.

The price that must be paid for sacrificing these procedures is increasing rates of detention, increasing demand for new detention facilities, and increasing delinquency.

State Sponsored Regional Detention

The large number of counties unable to provide detention services because of the small size of their jurisdiction clearly places a responsibility upon the state. So far only one state, Connecticut, has accepted this responsibility. Its state juvenile court provides well-controlled intake to regional detention facilities regardless of the size of the community in which a child is apprehended. Not once in fifteen years has the court found it necessary to place a child in jail.

Massachusetts is the first state to construct and operate a regional detention home for children awaiting disposition by local courts.[9] Delaware has almost completed a state-constructed detention home; Maryland has one in the planning stage.

Regional detention raises some questions. Will it hamper police investigation or the scheduling of court hearings? Will the transportation of the few children who need to be detained be too expensive? These problems have been worked out satisfactorily in Connecticut and Massachusetts through arrangements with local and state police cooperating with the juvenile court and the state agency. The state's money is better spent on a few gallons of gasoline and sufficient manpower to diagnose and treat youth in trouble than on jail-like detention which cages them as though they were adult criminals.

New York, Michigan, and Virginia reimburse counties for detention care but provide no clearly defined standards for them to meet. Virginia's State Department of Welfare has a bureau

[9] The main unit, in Boston, is in service; two others are nearing the construction stage and a fourth is under consideration by the legislature.

of probation and detention, offering consultation to local communities; recent legislation makes possible an intercounty commission to purchase land and establish a regional detention home. Jurisdictions in two parts of the state are now exploring this possibility. New York and Pennsylvania have just employed consultants on detention so that now four states have consulting service: California, Virginia, Pennsylvania, and New York.

NPPA Standards

Standards for the Detention of Children and Youth, the product of twelve years of NPPA experience in detention consultation and study, will be published this winter. It covers admission control, detention care, planning and building detention facilities, and regional detention.

In addition to specific guides on buildings, furnishings, and equipment, the Association has a model (scaled 1/8 inch to the foot) of a twenty-bed detention home suitable for local or regional use. This model is available for exhibition or discussion purposes.

Through a grant from the Marshall Field Foundation, a two-year study of significant developments in the field of detention, giving specific data with regard to staff, program, and operating procedures in detention homes throughout the country, will soon be published by NPPA.

A group counselors' guide is also in preparation. This material is based on successful practices in handling the behavior problems of individuals and groups of children in detention and should serve as a valuable resource for in-service training.

Consultation service through NPPA field offices—and particularly detention home architectural plan analysis—continues to be offered without charge or obligation.

Citizen Responsibility

Nowhere does a community's delinquency picture come into focus as sharply as when children are detained for the court. The type of care, the rate of detaining, and the average length of stay reveal the adequacy of community services for dealing with delinquents. To plan for a detention home without examining the police, casework, clinical, and child care resources of the community and the state is short-sighted indeed, for there is usually a direct relationship between them and the detention of children.

If citizens have a stake in their delinquency problem, they have a stake in planning services required to meet it. Experience of the past fifty years has shown how unlikely it is to expect any substantial progress without citizen action. We cannot rely on judges or other public officials to do the job alone. A well-informed citizen group with professional staff for guidance, working closely with the agencies concerned, can do much more than insure that a good detention home is available. It can make sure that detention is not overused, that the probation department is staffed well enough to control intake, and that the detention program has *specific objectives.* Above all, it can rally support for state responsibility in setting standards, providing consultation to local communities, and building and operating regional detention homes where satisfactory facilities are lacking. There is nothing which teamwork between well-informed citizens and professionals cannot accomplish.

Juvenile Institutions and Juvenile Parole

G. Howland Shaw
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As WITH all activities in corrections, institutions for juvenile delinquents must be studied in the light of existing emotion and thought. A comprehensive analysis would require a book, but certain of the more important elements can be summarized.

General Ideas

In recent years concern over juvenile delinquency has grown apace. Anybody with even modest qualifications who can talk or write on the subject will be besieged by requests to describe, clarify, analyze, and solve the problem.

Some of this concern reflects one phase of the panic consequent on finding ourselves a great power confronted by another great power antagonistic to our way of life and the search for scapegoats on which to focus our fears. Some is, of course, a manifestation of a well-known American habit: the pursuit of the latest craze. But most of it represents the concern of thoughtful citizens regarding problems which youngsters face in growing up in the United States in 1957. This group is well aware that the overwhelming majority of our boys and girls is thoroughly sound. They understand the problems created by the automobile, television, the increasing number of working mothers, the prejudices of employers and labor against teen-age employment, our overcrowded schoolrooms and our underpaid teachers. They are looking for sensible solutions. Unfortunately, the more alarmist view of juvenile delinquency has been stimulated by sensational statements and statistics, emanating largely from law enforcement circles. Statistics always need critical evaluation; such an evaluation is particularly in order regarding statistics on juvenile delinquency. For instance, a police department's change of policy in making arrests after the community has reacted violently to some particularly publicized juvenile offense can radically change the statistics without holding any real significance for the picture of the community's juvenile delinquency as a whole.

Another characteristic of our time: we are witnessing one more revival of one of the oldest tendencies in human nature—the satisfaction which comes from knowing that other people suffer, the urge to punish. Those who feel this way give little thought to the eventual consequences either to society or to the individual who is treated in accordance with their attitude. Perhaps there is in all of us a component of sadism. Certainly there is an unwillingness to take seriously the admonition, "He that is without sin among you, let him first cast a stone at her."

There is a third general result of developments within the last fifty

years which particularly affects corrections. We cannot doubt that the several disciplines having to do with behavior have made spectacular progress in the past half century. Psychiatry, psychology, sociology, cultural anthropology, and those aspects of biochemistry and electrophysiology which affect behavior will continue to make contributions of outstanding importance. To our discredit, it has to be recorded that the utilization in corrections work of this great body of knowledge has been anything but complete; and when, by good fortune, a part of it has been utilized, the evaluation of results has left much to be desired. The responsibility is twofold. The American public and especially our legislators are traditionally suspicious of any kind of expert. On the other hand, some of the younger and more enthusiastic representatives of these disciplines, unlike their older, more experienced colleagues, have advanced extreme claims, indulged in the use of a good deal of quite incomprehensible jargon, and have generally behaved in the self-conscious and dogmatic manner characteristic of newer professions. They have antagonized the public and have led them to expect results which the present state of science is not in a position to deliver with any degree of certainty. A better understanding between the professional worker in the behavior field and the public is a problem of communication of major importance.

There is one more factor to touch upon and it is not the least important. Some people who are well aware of the progress of the behavioral disciplines and who are most eager for their widest application nevertheless question some aspects of recent developments, such as the juvenile court, because they feel that fundamental concepts of Anglo-American law have been slighted or ignored. They believe, for instances, that depriving a child of liberty is a matter of utmost gravity, and they are wondering whether juvenile courts are reaching out too far in their proper desire to serve children in need and whether leaders in the field should not give earnest consideration not so much to reaffirmation of ideals formulated fifty and more years ago, but to a critical examination of what has happened since in order to formulate new ideals and practices which will retain the best of old safeguards and new methods.

Twentieth Century Practice and Results

The history of institutions for juvenile delinquents is faithfully reflected in changes of nomenclature and in the auspices considered appropriate for the carrying on of these institutions. The first such institution in the United States was the New York House of Refuge, which opened on January 1, 1825. It was to be "a prison, a manufactory and a school," and its inmates were urged to "submission, industry and gratitude." Houses of Refuge in due course became "Reform Schools," then "Industrial Schools"; most recently, they have been known as "Training Schools" and "Residential Treatment Centers." Private institutions have used such innocuous names as "Village" or "Hall," or the name of a saint, for many years. Private boards of trustees or managers, composed especially in earlier years of persons more philanthropic than informed in their understanding of the beneficiaries of their altruism, have played and still play a part in the management of institutions for

delinquents. Public institutions have in the past been, and are sometimes today, under the control of departments of correction. But now the department of welfare is considered the appropriate controlling agency. There have been suggestions, too, that institutions with highly developed psychiatric programs ought properly to be under the supervision of the department of mental health. These changes in nomenclature and auspices represent important changes in attitudes and aims. The results have been admirably set forth in a Children's Bureau publication.[1]

Practice, however, is a different matter from professed aim. Only unevenness of accomplishment and uncertainty of result can be recorded so far. There are still institutions in which a modern Dickens could find abundant material for an up-to-date Dotheboys Hall. There are institutions in which the size of the population makes individualization a joke; there are institutions in which brutality (labeled "corporal punishment") is a sanctioned routine; there are institutions in which other humiliating physical punishments (the "bends," for instance) are accepted. These are institutions entirely competent to build up that bitterness which is the solid foundation for adult careers of crime. This sort of situation is supported—let us hope, unconsciously—by politically minded governors and legislators dedicated to patronage and indifferent to the lives of youngsters (who do not vote). That is the low-water mark, but it is far from the whole story. There are other institutions in which a skilled and devoted staff is rendering service in accord with the latest scientific procedures. Just what is the actual distribution of each of these kinds of institutions I can only guess, since no national survey of institutions for delinquents has been made. My guess, however, would be that as a whole, and conspicuous and well-known exceptions to the contrary, the picture is not one in which we can take much pride.

When it comes to evaluation of results, even in institutions in which up-to-date procedures are followed, the record is very far from being certain. Scientific evaluation is difficult; there are many imponderables, and so far we have not yet even defined "success" and "failure" clearly. It is disturbing that we cannot predict with any real precision that a particular program will be followed by certain foreseeable results.

The future of institutional care of juvenile delinquents has problems. It is generally conceded that the youngster who is committed to an institution nowadays tends to be a good deal more disturbed than his counterpart of even ten years ago. Perhaps there really are more such youngsters today; perhaps we have become more aware of their existence; perhaps the less disturbed who were formerly institutionalized are now being treated at home because of more developed community resources. At any rate, it is a fact that institutions are presently receiving more youngsters who do not respond to what would have been called a good program in the past: wisely administered discipline, work, self-government. They require very special services and the creation of "a therapeutic climate." That, of course, involves professional services of a high order of competence, and

[1] *Institutions Serving Delinquent Children—Guides and Goals, Washington, D.C.,* Children's Bureau Publication No. 360, U.S. Department of Health, Education, and Welfare, 1957.

that in turn means high salaries, not only for professional staff but also for cottage and school personnel capable of understanding and carrying out programs set up by psychiatrists. The day is going to come—indeed it is already upon us—when the contributor to private institutions and the taxpayer who shares in supporting public institutions are going to ask for an accounting, not in terms of programs and aspirations but in terms of results. As I have already said, that is no easy task, but it is one which we must face.

Developing a "therapeutic climate" in our institutions for juvenile delinquents—especially for those who are seriously disturbed emotionally—is unquestionably a sound objective. Clearly, it is not sufficient to employ an impressive staff of psychiatrists, psychologists, and psychiatric social workers (and even less effective to have these professionals only on paper and not on the job), unless the treatment point of view has penetrated cottage personnel, teachers, and even maintenance staff. Moreover, that permeation of viewpoint, when it is made, is usually in psychiatric terms. I wonder whether even that is enough. Prof. Walter C. Reckless, of Ohio State University, in a significant report entitled "Lessons to Be Learned from Institutions for Delinquent Youth in Europe,"[2] has pointed out how people untrained by our standards, but intuitively good in establishing the youngsters' respect and in dealing with them, secure results comparable, if not superior, to our own. Are we perhaps underestimating personality and character and their impact and attaching too much importance to technical training?

[2] *British Journal of Delinquency*, July, 1956, pp. 66-70.

Over the past twenty years I have talked with many graduates of institutions for juvenile delinquents. They seldom refer to programs and almost never to any member of the professional staff. They constantly talk about cottage and workshop personnel—and usually in terms of some apparently trivial incident. "So and so hit me" (a frequent statement, usually made with a good deal of emotion); "so and so got drunk every week"; "so and so yelled and swore at me"; "so and so kept his boys out in the cold while he was eating and he ate a lot"; "so and so was a wonderful guy; he'd talk to me when I wanted to do something crazy and he always knew just how I felt." The lives of children are usually made up of small incidents—small, that is, to us adults. They are appallingly sensitive to what we really are, as distinguished from what we have trained ourselves to appear to be or pretend to be. Inconsistencies of behvior in adults have an impact on children, especially on children whom life has damaged, an impact which is not easily measured. Personnel in institutions for delinquents should never lose sight of that fundamental fact. Unhappily, they are often not even aware that it *is* a fact.

Convalescence and Release

There is another caveat which we must consider. Have we become too institution-centered? Have we neglected the postinstitution phase—the momentous transition between institution and outside world? I believe that we have and that, as a result, we are losing socially and financially much of our investment in institutions. The literature recites that when a youngster is committed to an institution, work is immediately begun to "manipulate" his "milieu," includ-

ing of course his family. Even allowing for the more aggressive type of case-work sponsored by such agencies as the New York City Youth Board, this "manipulation" is largely theoretical. Housing conditions are difficult, often impossible, to change; the family will have nothing to do with the case-worker; there are not enough workers to give anything more than token service; and perhaps there is no family to work with. We need agencies intermediary between institution and community. The concept of convalescence is well recognized in medical treatment. Its counterpart in the behavioral field is yet to be achieved.

And what of the youngster's exit from the institution? Release procedures are becoming more and more a matter for staff judgment. Such judgments are frequently predicated upon the mere passage of time, upon the accumulation of "credits" or upon some other mathematical device which measures conformity rather than any real change or, worst of all, upon the urge to get rid of a troublesome boy who makes too many demands upon the staff. In institutions dealing with youngsters so emotionally disturbed as to be hardly distinguishable from inmates of the children's section of a mental hospital, professional judgment should, of course, be controlling, although even in such cases responsibility to the community cannot be avoided. In institutions where less disturbed youngsters are involved, I think—contrary to the opinion which prevails in orthodox child welfare circles—that there should be an appropriate review procedure. A youngster is committed to an institution and deprived of his freedom by the judge of a juvenile court who has weighed carefully the safety of the community and the welfare of the youngster. His release should be effected through a substantially similar procedure. There should, of course, be a considered recommendation by the staff, and that recommendation should in most cases be accepted by an individual or individuals competent to understand it, but also—and perhaps more important—competent to represent the community to which it is proposed that the youngster return. It is at least debatable whether professional workers are competent to understand and measure public opinion and whether they should be called on to assume any such responsibility.

The fundamentals are as they have always been. The future will be shaped by persons skilled in utilizing with discrimination existing knowledge, constantly alert to its limitations and therefore intent on its extension, but above all deeply convinced of the value and the rights of even the most "impossible" youngster and sufficiently mature emotionally to be capable of giving and receiving love.

Probation in Britain

FRANK DAWTRY
General Secretary, National Association of Probation Officers of Great Britain

IN THE year in which the National Probation Association was born, the first legal recognition of the probation system came in Britain. On May 8, 1907, Herbert Samuel, Under-Secretary of State for the Home Department, introduced to the House of Commons a bill for the appointment and payment of probation officers; it stated that their duty was to guide, assist, and admonish those placed in their care.

Probation was to be a new method of treatment without restraint or penalties. Before the bill left the House this was made doubly clear by the removal of that word "admonish" and its replacement by the word "befriend"; in that amended form the bill passed the House of Lords (where it was received with welcome but regarded as "hardly a major measure"). It became law in August, 1907, and the first officers to be appointed under it started work on January 1, 1908. Nearly all of them were men and women who had already been working in the courts; their voluntary efforts, as police court missionaries, had included offers of guidance, assistance, and friendship to offenders, particularly first offenders discharged by the courts under powers given by the First Offenders' Act of 1887. They had also befriended many of the drunkards who so regularly appeared in court; the drunkards' plight attracted their particular attention because they were agents of the Church of England Temperance Society (hence, "missionaries").

So we write our history backwards, for 1907 was really only a legal landmark confirming in law what had already been happening in practice. It had not taken all the years from John Augustus' first court appearance to 1907 for his idea to reach Britain, because his ideas were there before he had ever been heard of; no doubt the same can be said of his homeland. Helping the offender, befriending the sinner, withdrawing condemnation—this is an age-old idea, voiced by Chinese and Greek philosophers and personified by the presence and conduct of Jesus Christ himself. The idea had been used unofficially by certain courts in England, but always the offender was left largely to his own resources. John Augustus did, however, make the simple discovery that a friend might strengthen those resources. Another very ordinary man —Rainer, an Englishman—had the same idea when he sent five shillings to the Church of England Temperance Society with the suggestion that their missionaries use this money to try to help some drunkard constructively. The Society saw the possibility, placed money for the purpose at the disposal of its staff, and raised a lot more so that its officers could attend the courts, try to meet and guide the persistent drunkards, offer them hostels to live in, and encourage and help them to overcome old habits.

The missionaries soon found other offenders who needed advice and help, who could perhaps benefit more than the victims of drink (many of whom were willing victims). These court workers began to offer their help to young and first offenders. The work was undertaken with no legal authority and if the offenders rejected the offered help, that was the end of the matter. But many were glad of help, and the work done with them and for them laid the foundation of a system of probation and demonstrated how much could be done by befriending offenders and offering practical assistance instead of condemnation.

So the work of the missionaries was recognized, extended, and paid for and the public probation service was brought into being.

For fifty years probation has been practiced and has grown, and it has not failed to learn from pioneers in other countries as well as in its own. The Massachusetts experiments were referred to in the parliamentary debates of 1907, and advice was sought from the United States in the early years of the Service. Now, fifty years later, though the work is changed almost beyond recognition, the purpose remains unchanged—it is still the probation officers' duty. laid down by the law, to guide, assist, and befriend those placed in their care.

Changing Methods

However, an unchanging purpose does not involve an unchanging method or even an unchanging interpretation of the purpose. Guidance may sometimes need authority to strengthen it; assistance may be material or spiritual, practical and immediate or long term; and friendship cannot be only an easy, sentimental matter but may sometimes involve quite painful lessons. In all, greater understanding is needed, both of the client and of the worker himself, than was possible to those early pioneers.

The Service has progressed, therefore, by seeking greater understanding of human motivation, by study and by training, and by maintaining always a divine discontent with its achievements. In Britain a training scheme was launched in the early thirties, but undertaken only by a small number of officers. Soon the universities were opened to probation candidates, and since the Second World War university training has come to be accepted as a minimum qualification for any candidate for the Service who is under the age of thirty. For those over that age, experience of the world, industry, the forces, or other social work may qualify for appointment as a probation officer. But, whether or not university training is taken, every candidate for the Probation Service must undergo a specialist probation training course under the direction of the Probation Division of the Home Office (or in Scotland the Scottish Home Department), and serve a period of practical training in the field under the supervision of a tutor, himself a working probation officer. Finally, on appointment as a probation officer, he will serve a year before that appointment is confirmed and he becomes an established officer.

So a great change has come about since the days of the first probation officers, when good will was the best and main qualification. Good will is still an essential; a love for one's fellow men even at their most difficult or tedious is a prime need in any social work (that is a platitude, of course), but love and good will are now supplemented, though not re-

placed, by training and practice which have the purpose, not least, of rightly directing good will and protecting it against its own excesses, which can be exhausting without being productive. The old workers strove nobly and well to do all they could for those they were helping; the modern worker strives equally nobly and well to lead people to help themselves by true understanding of their own difficulties.

The Probation Service has not only grown in its ability to serve; its very presence in the courts and the proof of its value in difficult personal matters has brought to it demands for work in many directions for the assistance of the court or of those coming before the court. The most important is the preparation of reports for the courts about the home surroundings and circumstances of supposed offenders, or more frequently, of offenders whose guilt has been proved but about whom the court wishes guidance before deciding on the sentence to be passed. The courts have also asked probation officers to see applicants who come seeking matrimonial separation orders (not divorce), which can be granted in Britain by the magistrates. The old missionaries in fact did quite a little in this field; now probation officers see about 75,000 people seeking such action each year, and in 44,000 of these cases they also see the other party to the marriage. Marriage counseling is a new science now getting new headlines, but it has been practiced by probation officers as a normal part of their work for many years. And they help also in adoption proceedings and in the supervision of children and young people in need of care or protection who have not committed offenses but may well do so if allowed to drift.

These and other duties have come to, and been accepted by, the Probation Service because probation officers over the years have demonstrated that they could do their work well and wisely. Training, qualification, supervision, organization—all helped, but the fundamental reason for the growth of the Probation Service and of its duties has been that its members created their own status and demonstrated the worth of their work. So, today, they are the social servants of the courts and of the people who come to the courts.

They are also the nation's experts in dealing with delinquency "in the open," and it has been a further natural addition to their duties that they should be called upon to take responsibility for the aftercare of offenders leaving prisons, borstal and other penal establishments, and correctional institutions. Parole is not known in Britain in the way in which it is known in America, but many prisoners are released on a conditional license from which they may be recalled for misconduct to complete their sentences. Their care rests with a Central After-Care Association, but the C.A.C.A. uses for all its practical purposes the experts available in the field—that is, the probation officers. There are many other prisoners discharged absolutely on gaining remission of their sentences, and while these may be helped by the voluntary Discharged Prisoners' Aid Societies, increasing numbers of them are being referred to probation officers, because their needs in the modern welfare state are not material and immediate; they are, in fact, subjects for intensive personal casework, which the majority of our prisons are not yet geared to supply. So the probation officers try when the sentence is over.

Probation officers, in a Service fifty legal years old, see themselves here, 1,300 strong, covering a range of duties beyond anything understood or even imagined fifty years ago, seeking always to improve their own techniques and knowledge. They are (need it be said?) overworked and grossly underpaid, and they suffer much because their work is still regarded as a vocation—and of course it is a vocation —but following a vocation does not today suffice to fill a man's life and provide for his wife and family, and the probation officer has trained to transform his vocation into a profession.

Nearly half the officers in Britain came to London last May to celebrate the fiftieth anniversary of their Service; and the same Herbert Samuel who introduced the Probation of Offenders' Bill of 1907, now Viscount Samuel and approaching ninety years of age, came to the London Guildhall to address the celebration conference. So did the present Home Secretary, Mr. R. A. Butler, and the Lord Mayor of London. During the weekend the Home Secretary also gave a reception at one of London's famous houses (Lancaster House), which was attended by Her Majesty Queen Elizabeth the Queen Mother, who has shown great personal interest in the work of the Probation Service. Luncheons, a dance, and a special Conference Service in the Church of St. Margaret, by Westminster Abbey, completed the celebrations. It was a pleasure to British officers that Miss Phyllis Rochelle, of the Toledo (Ohio) Juvenile Court, was able to take part in this conference.

Thus did we mark fifty years of growth and development. And yet it is only a mere fifty years, after the centuries before it, of the application of an idea—the idea that human problems can be solved by human means, the demonstration of which seems to be lost on statesmen and diplomats. But perhaps it is not all lost, for we shall never know how much has incidentally been achieved by those in the field of probation to widen the bounds of human understanding and sympathy. The idea that this might be possible is ageless; the proof that it actually is possible is only of recent growth. In the service of such an idea, the British Probation Service, fifty years old, salutes the National Probation and Parole Association and the pioneers who made all our work possible.

A Chronology of Corrections

The Last Half Century in the United States

Alabama

1896 Police judge in Birmingham, reluctant to commit boys to penitentiary, places them on probation to Boys Club, a social welfare organization.

1897 First parole law gives governor parole power.

1900 Boys Industrial School (for white boys) opened in log cabin near Birmingham through efforts of one woman; first money donated by prisoner from leased convict labor earnings. Law specifies it is not a penal institution.

1901 Probate judge in each of 67 counties to handle juvenile matters.
New constitution gives governor authority to grant paroles, pardons, restore civil and political rights, and remit fines and forfeitures.

1907 School for Wayward Boys (Negro) established by State Federation of Colored Women's Clubs at Mt. Meigs; taken over by the state in 1911. In 1919, Federation raises money for building on same grounds to house delinquent Negro girls; taken over by state in 1931. Combined school now known as Industrial School for Negro Children.

1909 Rescue Home for delinquent white girls in Birmingham organized by churches. Made state reformatory in 1911, combined with Girls' Home for the Friendless in 1912, becomes Training School for Girls in 1915.

1911 Jefferson County juvenile court established with aid of Boys Club and Children's Aid Society.

1914 Montgomery County juvenile court established.

1915 Jefferson County juvenile court given jurisdiction in desertion and nonsupport cases. Mobile County juvenile court established.

1919 Child Welfare Department established.
First indeterminate sentence law passed.

1923 County child welfare superintendents (later county directors of Department of Pensions and Security) approved as probation officers for juvenile courts.

1927 New detention and court building for Jefferson County built; called "best of its kind in the South."

1931 Courts given power to grant adult probation.

1935 Adult probation act declared unconstitutional as encroaching on governor's power to commute and parole.
Department of Public Welfare established; incorporates responsibilities of Child Welfare Department; provides juvenile probation in all counties except those in which juvenile courts have their own probation staff.

1936 Merit system for all local government employees established and definite standards set up.

1939 Constitutional amendment gives judges power to grant probation, legislature the power to regulate pardons and paroles, restore civil and political rights, and remit fines and forfeitures. Law implements amendment granting courts probation powers. Board of Pardons and Paroles (3 members) created. to grant pardons and paroles, restore civil and political rights, remit fines and forfeitures, administer probation and parole.

1948 Alabama Probation and Parole Association organized.

1949 Juvenile court begins to use newly created Birmingham Mental Health Demonstration Clinic for diagnostic and therapeutic services. In 1952, mental health clinic organized in Jefferson County; by 1957, in Muscle Shoals, Mobile, Tuskeegee, Tuscaloosa, Montgomery, and Gadsden counties.

1951 Certain restrictions placed on granting pardons and paroles; manner of appointing members of the Board of Pardons altered.

1954 Calhoun County juvenile court established at Anniston as result of P.-T.A. action.

1955 Domestic relations court established as Mobile County circuit court. Special police detail assigned to juveniles in Mobile.

1956 Youth Aid Division created in Birmingham police department to work closely with juvenile court, handle juvenile offenders.

MRS. ETHEL MILLER GORMAN
Probation Officer, Jefferson County Juvenile and Domestic Relations Court, Birmingham

L. B. STEPHENS
Executive Director, Board of Pardons and Paroles, Montgomery

Arizona

1912 Constitution for the 48th state provides for separate handling of children. All dependent, neglected, delinquent children under 18 placed under exclusive, original jurisdiction of Superior Court; judges' power to control children prescribed by law.

1914 Board of Pardons and Paroles, established by referendum, given sole power to parole. Governor's power to reprieve, commute, pardon restricted: action must first be recommended by Board.

Industrial School for Boys established at Fort Grant; previously, Territorial School at Benson, which included a girls' dormitory, had been used.

1926 Industrial School for Girls established at Randolph.

1927 Adult probation allowed. Probation officer appointed by judge of court he serves.

1935 Randolph School closed; girl offenders placed in private institutions under contract.

1937 First juvenile code creates juvenile court as division of Superior Court; counties having more than one judge to appoint one as juvenile judge for not less than one year. Code also gives juvenile judge power to place a child in any suitable institution in or out of state.

State supervisor of parolees established.

1939 Provision for separate detention of children, one probation officer for each 50 children on probation.

1947 Ceiling on probation officers' salaries removed; to be set by juvenile judge.

Board of Correction and Rehabilitation established to supervise penal, corrective, educational institutions.

1948 First detention home built in Phoenix by Maricopa County. Previously, children had been kept in contract homes, separate from adults, and in separate jail cells.

1951 Youth Authority created; not yet in operation 6 years later.

1952 Juvenile code amended to remove children from court's jurisdiction after commitment to state juvenile correctional institution.

Prison superintendent's term fixed at 6 years.

1956 Revised juvenile code defines juveniles, probation, officers, salaries, venue, and procedure; permits publication of names and pictures of juvenile offenders. Pima County (Tucson) completes its detention home; second home in state of 14 counties.

WALTER HOFMANN
Chairman, Board of Pardons and Paroles, Phoenix

JOHN H. WALKER
Chief Juvenile Probation Officer, Maricopa County Superior Court, Phoenix

Arkansas

1902 Penitentiary Board purchases approximately 16,700 acres for establishment of Cummins Penal Farm. In 1913, 4,500 acres purchased for Tucker Penal Farm.

1911 Juvenile court law provides for branch of county court to sit as juvenile court under direct supervision of board of 6 reputable citizens; jurisdiction concurrent with other courts.

1917 Juvenile courts given power to commit boys for an indefinite period. Reform School (established 1907) changed to "Boys' Industrial School" and "Girls' Industrial School"; in 1923, latter renamed "Training School for Girls."

1920 Institution for women prisoners established; moved to Cummins Penitentiary as separate unit in 1949.

1921 Boys' Industrial School for Negroes established.

1927 Counties of 50,000 or over empowered to appoint referee to assist juvenile court judges with exclusive jurisdiction over children up to 12.

1935 Department of Public Welfare supervision instituted over all child welfare activities—care of dependent, neglected, delinquent children; care of children of unwed mothers, and those placed for adoption; licensing of all private and public institutions and boarding homes for children.

1937 Board of Parole established as division of State Police Department; made separate agency in 1945.

1945 Negro Girls' Training School created.

1947 Legislature creates $230,000 building fund for penitentiary.

1953 Appropriation of $375,000 made for construction of centrally located modern fireproof housing for state prisoners. Tucker Penal Farm designated for younger prisoners.

1955 Department of Public Welfare authorized to make investigations for juvenile courts, supervise minors on probation and released from public institutions. Boys' and girls' institutions declared training and educational, rather than penal. Juvenile courts given power to commit boys for indefinite period to Industrial School for Negroes.

1957 $250,000 appropriated for new buildings for Training School for Negro Girls. Completion of Juvenile Administration Building for Pulaski County, model plant for temporary housing of dependent and neglected children, delinquent children awaiting hearings, and administrative offices of juvenile court.

Two additional parole officers allowed, bringing present number to 8.

Paul L. Brown
Chief Probation Officer, U. S. District Court, Little Rock

Mrs. Pat Poindexter
Chief Probation Officer, Jefferson County Juvenile Court, Pine Bluff

California

1903 Juvenile courts established by law; first juvenile court set up, in San Francisco; law allows appointment of probation officers.

1915 Employment of prison labor on state highways approved and first camp established; grows into honor camp program which, in 1957, includes 3 year-round highway camps, 12 permanent and 4 seasonal forestry camps for prison inmates, and 6 camps for youth authority wards.

1917 Indeterminate sentence law approved, modifying arbitrary sentencing power of the judge and providing that actual terms be fixed by the Board of Prison Directors (later the Adult Authority) within statutory limits.

1929 Active field parole supervision of prison parolees begun by parole officers. Parole established 1893 but, prior to 1929, supervision and investigation largely performed by local authorities and reports made by mail.

1932 First separate women's prison—California Institution for Women—completed in Tehachapi.

1941 First minimum security prison—Institution for Men at Chino—opened; model for similar institutions throughout the world. State first to pass model Youth Authority Act. Youth Authority established 1942 to operate correctional program for wards referred to it, set standards for probation administration and procedure, and assist in combating delinquency.

1944 Department of Corrections established by prison reorganization act to give central professional direction to correctional system; Adult Authority created, to fix terms and grant paroles; Board of Corrections to correlate correctional activity and study general problem of crime. Reception-Guidance Center established at San Quentin to study each new male adult felon and recommend institution and program best suited for each prisoner's rehabilitation.

1945 Bureau of Criminal Statistics established to provide data on general crime problem and specific material for Department of Corrections and Youth Authority. All Department of Corrections employees placed under civil service merit system. "Con boss" system eliminated—employees replace inmates in handling confidential material and assignments.

1946 Deuel Vocational Institution opened for youths too mature to profit from juvenile training schools but too young for adult prison.

1947 Presentence investigation by probation officer required by law for all felons eligible for probation. As result of legislative and Board of Corrections studies, kangaroo courts outlawed in jails. Governor appoints 5 commissions to study organized crime, criminal law and procedure, adult corrections and release procedures, juvenile justice, and social and economic causes of crime and delinquency. Correctional Industries Commission (representing labor, industry, agriculture, and the general public) created to assist in elimination of idleness in prisons by planning and authorizing prison work projects.

1950 California Medical Facility established; first major move to treat mental conditions underlying many crimes.

1953 Youth Authority made separate department.
Special Intensive Parole Unit formed to test scientifically effect of smaller caseloads and earlier release on parole success.

1954 Men's Colony for aged handicapped offenders opened.

1955 Group counseling led by lay personnel begun with 600 inmates at Folsom. Within a year, almost 6,000 prisoners participating; later extended to parolees.

1957 Number of new laws recommended by governor's Special Study Commission on Corrections passed: selected jail inmates may continue at their jobs; state subsidizes construction of county camps for juvenile delinquents (operating costs already provided); judicial discretion in granting probation widened; temporary referral of adult offenders to

Department of Corrections' guidance centers for diagnosis and recommendations permitted; Department can place sentenced county jail prisoners in regional camps; single or joint county departments of corrections under career administrators can be created.

WALTER L. BARKDULL
Information Officer, Department of Corrections, Sacramento

Colorado

1895 Home for Dependent and Neglected Children established.

1899 Judge Ben B. Lindsey operates juvenile court in Denver, with civil petitions based on school law. Preliminary juvenile delinquency legislation enacted 1901 and 1903.

Parole law passed, but without provision for appointment of officers; administration left to wardens.

1907 Legislation establishes juvenile courts.

Rehabilitation in prison recognized in law specifying employment of inmates at work for which they are fit and which prepares for parole or discharge—beginning of classification.

1916 Penitentiary installs library and institutes classes in elementary grades.

1919 Child Welfare Bureau established under Department of Public Instruction; pioneers in education and treatment programs for handicapped children.

1923 Political strife detrimental to corrections.

1928 Prison riots lower morale; as result, prison programs deteriorate but impetus for reforms spurred.

1931 Ideal parole bill defeated; stage set for acceptable bill. Probation allowed.

1935 Probation, previously administered by police department, made function of separate agency in Denver County; serves as state model.

1936 Previous attempts to serve children through county unsuccessful; with creation of Department of Public Welfare (including Child Welfare Division), state assumes responsibility for care and protection of children.

1943 Public Welfare Department agreement made with federal probation system for placement of children tried under Juvenile Delinquency Act; in 1951, agreement with Department of Parole on joint plans for referred juveniles under 16, and cooperation with 2 industrial schools and courts upon request.

1949 Probation practice modified to embody progressive principles including mandatory presentence report; district attorney's concurrence in recommendation abolished.

1951 Parole law modified; offender's rehabilitation basic; parolee supervision by newly created state parole agency.

1953 Provision for indeterminate commitment of sex offenders to state hospital.

1955 Prerelease center created to bridge gap from institution to civilian life. Children's Diagnostic Center created. Judges of 62 counties (Denver excluded) and superintendents of children's institutions can refer children for psychiatric study to determine whether institution or foster home is needed. County departments of public welfare responsible for social studies on each child evaluated by diagnostic staff.

FRANK DELL'APA
Probation Officer, District Court, Second Judicial District, Denver
MARIE C. SMITH
Director, Child Welfare Division, Department of Public Welfare, Denver

Connecticut

1903 First probation law enacted. Juvenile and adult probation under general supervision of Connecticut Prison Association; appointments, administration, policy, and procedure left to individual courts.

1917 Methods in trial and detention of juveniles described in law. State had not yet accepted idea that children should be handled in chancery court rather than in criminal proceeding. Chamber hearings, detention rather than jail, and partially confidential court records included.

1918 Connecticut Child Welfare Association organized to promote welfare of dependent, neglected, defective, and delinquent children by examining their condition, studying treatment and prevention, educating the public, and originating and supporting laws.

Probation revised. Superior Court and criminal Court of Common Pleas judges may, but police, city, borough, and town court judges must, appoint one or more probation officers and can dismiss them. Probation officers' duties defined; salary and expenses paid by county, city, or town. Presentence or pretrial investigation in misdemeanors but not in felonies.

1919 Prison Association supports bill (defeated) for unified state probation system under special board within Association.

1921 *Parens patriae* or chancery court procedure for delinquent children endorsed. City, police, borough, and town courts to serve as juvenile courts holding separate sessions under special procedure with exclusive, original jurisdiction over dependent, neglected, and delinquent children; jurisdiction not extended to guardianship, adoption, or property rights within control of probate court. Juvenile separated from adult probation.

Adult probation continued under general supervision but not administration of Prison Association.

1930 Probation officers' per diem pay raised. Supervision fees paid by probationers to officers. Probation officer cannot be active policeman or sheriff.

1935 Two circuit juvenile courts established in Fairfield and Windham counties; each has single juvenile court judge with exclusive jurisdiction over neglected and delinquent youngsters; probation officers to qualify through examination by Public Welfare Council.

1936 Superior Court judges adopt definite canons for probation procedure. Probation in all Superior Courts administered by one trial judge selected by Superior Court judges.

1937 Superior Court judges hold collection of supervision fees from probationers incompatible with sound probation practice; recommend revision of statute.

1941 Present statewide juvenile court system established; 3 districts, each with full-time judge. Directors of probation and trained probation officers to be selected by judges from list established after open competitive civil service examinations.

1943 Supervision fees eliminated. Prison Association continues as general administrative agency but power of appointment and dismissal of probation officers, policy, and procedure left with individual court.

1949 Child Study and Treatment Home created for care, study, and treatment of emotionally disturbed and mentally ill children (opened 1957).

1955 Parents made financially responsible for torts of children up to $250 for each delinquent act.

Statewide adult probation system created, for all courts with criminal jurisdiction.

1956 Department of Adult Probation established under bipartisan commission of 6 (chairman, chief justice of Supreme Court of Errors). All expenses paid from state general fund. Commission has power of appointment and dismissal of officers. All officers full time, appointed after competitive qualifying exam. Presentence investigation and report to court mandatory in all felony cases. Any person convicted of crime except first degree murder eligible for probation.

Thomas R. Coe
Probation Officer, Third District Juvenile Court, Hartford

Alton H. Cowan
Director, Department of Adult Probation, Hartford

Delaware

1901 Long campaign for penal reforms together with widespread indignation over conditions in county jails culminates in construction of New Castle County Workhouse. By law, able-bodied convicts to be employed; men, women, young offenders, and those hardened in crime to be segregated; prison terms reduced by rules of "good time."

1905 Pillory abolished but efforts to outlaw whipping post defeated.

1911 Juvenile court established in Wilmington, with jurisdiction over all delinquent, neglected, and dependent children; later extended to all of New Castle County.

1920 Prisoners Aid Society, private association, organized to secure modern penal legislation, help prisoners adjust after release.

1921 Privately established training school for delinquent Negro girls taken over by state, totaling 3 schools for juvenile delinquents; provision in all 3 for release on parole.

1923 Parole for New Castle County Workhouse inmates; later extended to all prisoners in state. (Parole system inadequate to this day, limited by lack of funds and staff.)

Juvenile detention home established but hampered because of use as emergency shelter for infants and children. Transportation of juveniles from downstate poses problem.

1933 Joint juvenile court for Kent and Sussex counties established; judge and clerk of Court of Common Pleas serve in same capacity for juvenile court. Separate judge and staff provided in 1951.

1945 Years of citizen effort result in creation of Family Court of New Castle County (including Wilmington) for all cases dealing with children and family relationships except divorce, and capital felonies. Probation staff of trained social workers integral to court (in Wilmington juvenile court staff, only one officer in 10 had been trained social worker).

1947 Law provides for improved probation procedure for misdemeanants in Wilmington Municipal Court.

1949 Federal Bureau of Prisons surveys New Castle County Workhouse after 2 spectacular escapes of 11 prisoners; report calls penal system "archaic and decentralized." Recommendations result in improved physical facilities, eventual employment of psychologist, education director, and caseworker, and beginning of prisoner classification.

1951 Supreme Court and Superior Court reorganized.

1953 First appropriation to replace inadequate and unsuitable juvenile detention home. (Later, additional appropriations provide for new building on different site.) Two-year survey of services for juvenile delinquents begun—agencies and citizens compile facts, recommend improvements.

1955 Board of Corrections replaces county system of prisons. Takes over administration and supervision of all prisons and adult prisoners next year; begins classification and reassignment of prisoners.

Youth Aid Division of Wilmington police department set up for preventive and corrective work with juveniles as well as law enforcement.

1957 Youth Services Commission act provides for consolidation of administration of 2 juvenile training schools and detention home; third private training school may join voluntarily.

THOMAS HERLIHY, JR.
Judge, Municipal Court, Wilmington

Florida

1911 Juvenile courts created in each county (based on Illinois and Colorado laws), county judge sitting ex officio as juvenile court judge.

1914 Constitutional amendment allows creation of separate juvenile courts; special judges elected to serve only on these juvenile courts.

1917 Prison built at Raiford.

1921 Convict lease system abolished.

1923 Much bad publicity to state from *The Whipping Boss,* movie depicting alleged mistreatment of convicts; lash abolished as result.

1937 Florida Probation Association campaigns successfully for survey of prison system.

1940 Constitutional amendment authorizes probation and parole.

1941 Law authorizes use of probation, establishes Parole Commission to administer probation and parole.

1950 Constitutional amendment allows juvenile courts with exclusive original jurisdiction.

1951 Law gives original exclusive jurisdiction to juvenile court for all but capital offenses; preserves right to trial by jury when demanded.

1956 Prison riot leads to supplemental appropriation by special legislative session—60 per cent increase in staff of Florida Parole Commission.

1957 Department of Corrections set up; 3 new separate juvenile courts created, bringing total to 11 in as many counties.

JOSEPH Y. CHENEY
Chairman, Parole Commission, Tallahassee

WALTER SCOTT CRISWELL
Formerly Judge, Juvenile Court, Jacksonville

Georgia

1908 First recognition of distinct needs of children—special Children's Court established as branch of Superior Court, to operate only after recommendation of 2 successive grand juries. Only 4 counties established courts under this law.

1913 First adult probation law; Superior Court judge appoints chief probation officer and as many assistants as necessary. Law in effect until 1956; probation service established in only a few larger urban centers.

1915 Children's Court declared unconstitutional; first juvenile court law establishes juvenile courts in all counties over 60,000 population.

1916 In counties of less than 60,000, Superior Court judge can designate existing court of record as juvenile court; in counties of 35,000 to 60,000, on 2 successive grand juries' recommendations, Superior Court can name qualified juvenile court judge.

1935 Juvenile court jurisdiction broadened to include children guilty of

crimes punishable by death or life imprisonment; age limit extended to 21 provided jurisdiction assumed prior to sixteenth birthday.

1943 Board of Pardons and Paroles created as result of public dissatisfaction with corruption in granting pardons, paroles, and commutations. Statewide parole provided under qualified supervisors. Board of Corrections created with exclusive charge of penal institutions; followed by many constructive penal reforms, including separate facilities for youthful offenders and elimination of "chain-gang" prison camps.

1950 In felony cases, Superior Court judge allowed to order and pay for psychological and psychiatric service. Same service allowed for misdemeanants in 1955.

1951 Public dissatisfaction with lack of juvenile court service under 1915 law (only 12 counties had such service) leads to changes and additions: juvenile courts established in all counties over 50,000; on recommendation of 2 successive grand juries, juvenile court must be established in any county of less than 50,000; in all counties of less than 50,000 without juvenile court, Superior Court judge to sit as juvenile court; "juvenile offender" age raised to include sixteenth year.

1956 Probation Board established, authorized to appoint one or more adult officers for each judicial circuit; results in statewide probation service and immediate relief of crowded prison condition.

J. CARRELL LARMORE
Director of Supervisory Probation, Fulton County Adult Probation Department, Atlanta

Idaho

1899 Parole power granted to Board of Pardons; hardly used. "Conditional pardon" or "conditional release" continued until 1947.

1902 Specialized training institution authorized for juveniles.

1905 Special procedures for juveniles in probate court outlined by law; probation services provided. Industrial Training School receives first child.

1907 By law, sheriffs to act as parole officers for Board of Pardons.

1914 Training school adopts new education program including vocational as well as academic classes.

1927 Governor allowed to appoint one parole officer.

1941 Board of Pardons allowed to appoint more than one parole officer.

1947 Three constitutional amendments allow passage of present adult probation and parole law providing 3-member Board of Corrections which grants paroles, makes presentence investigations, and supervises probationers; secretary of Board is director of probation and parole; staff provided.

1949 Boise Conference of Social Work surveys juvenile treatment by probate courts and urges better diagnosis, supervision, court procedure, personnel, standards, and detention.

1951 Bill to change juvenile court jurisdiction defeated; legislature's Interim Committee on Juvenile Delinquency and Boise Youth Council launch separate studies of juvenile problems.

1952 Citizens groups headed by Boise Youth Council undertake public education on juvenile problems preparatory to 1953 legislative session. Interim Committee reports findings.

1953 Stopgap amendments to juvenile code passed after comprehensive legislation fails. Individualized treatment re-emphasized at training school; psychological and social services added and remedial academic training stressed.

1954 Citizens organizations ready comprehensive juvenile code and study detention needs. Two new cottages completed at training school.

1955 Youth Rehabilitation Act replaces old juvenile code, brings most procedures of Standard Juvenile Court Act to Idaho, and confers youth authority responsibilities and powers on newly created Board of Health. Chief Youth Rehabilitation Officer obtained.

1956 Supreme Court holds that child must waive jury trial in felony cases to receive benefits of Youth Rehabilitation Act; lower court upholds constitutionality of central commitment provisions of act.

1957 Legislature polishes Youth Rehabilitation Act and appropriates first money for rehabilitation program. Citizen groups evaluate detention plans in Ada County.

H. P. FAILS
Secretary (Probation-Parole), Board of Correction, Boise
HARLAND L. HILL
Probation Officer, U. S. District Court, Boise

Illinois

1895 Training School for Girls at Geneva opened.

Adult parole law provides for parole of all felons except those convicted of treason and murder. Amended in 1897; Board of Pardons and Paroles established, and indeterminate sentence with fixed minimum and maximum (except for certain felonies) provided.

1899 First juvenile court in United States established in Cook County with jurisdiction over dependent, neglected, and delinquent boys under 17 and girls under 18. Became Family Court in 1949. Boys' age limit raised to under 18 in 1957.

1901 Training School for Boys established by law from private home for delinquent boys at St. Charles; opened 1904.

1903 Counties authorized to establish and maintain detention homes for temporary care and custody of dependent and delinquent or truant children.

1909 First Child Guidance Clinic established under private auspices. In 1917

Clinic began serving Cook County juvenile court. After a few months of county financing, transferred to Department of Public Welfare. In 1919 name changed to Institute for Juvenile Research. Now serves entire state with traveling child guidance clinics.

1915 Probation law of 1911 amended and made more effective—probation extended to adult felony offenders, and probation officers placed under circuit court jurisdiction.

1924 Stateville Penitentiary at Joliet opened.

1927 Bureau of Pardons and Paroles placed under Department of Public Welfare jurisdiction.

1928 *The Indeterminate Sentence Law and the Parole System in Illinois* published: describes application of first parole prediction instrument (modified and refined in 1950).

1929 Illinois Crime Survey report published; includes especially important section on "Organized Crime in Chicago." New Cook County Jail opened as direct result of 1922 report on old county jail.

1930 Reformatory for Women at Dwight opened to replace Women's Prison at Joliet.

Chicago Area Projects created to deal with delinquency by using local community resources and leadership; initiated by Department of Sociology of Institute for Juvenile Research, created in 1926.

1933 Separate penal institutions consolidated as state system; sentence is to system, not to separate institutions. Northern and southern diagnostic depots under state criminologist created to classify new inmates prior to institutionalization.

1939 Criminal Sexual Psychopath Law passed.

1941 Prison and parole administration transferred to Department of Public Safety from Department of Public Welfare.

1943 Indeterminate sentence law amended; courts now allowed to set both minimum and maximum term between statutory limits, reducing paroling authority's discretion.

1949 Reformatory at Sheridan created by law out of branch of Training School for Boys for younger felons; opened 1950; renamed Industrial School for Boys in 1953 under new Youth Commission.

Post-conviction law insures judicial review of felony convictions for violations of constitutional rights.

1952 Terms of members of Parole Board staggered, and extended to 4 years.

1953 Youth Commission of 3 members created; chairman to accept guardianship of delinquent boys under 17 and girls under 18. Assumes control of juvenile parole and juvenile institutions in 1954. Division of Youth and Community Services, and Division of Correctional Services, provided. Law also authorizes forestry camps; first one opened 1954, 3 others opened to date.

1955 Sexually Dangerous Persons Law replaces 1939 Criminal Sexual Psy-

chopath Law; eliminates some inequities and addresses problems not previously considered.

1956 Illinois Selective Service Felon Project, study of experience of felons paroled to army in World War II, completed.

1957 Age of juvenile court jurisdiction over male juvenile delinquents raised from 16 to 17. Youth Commission membership increased to 5.

First increases since 1915 in amount of "good time" for misdemeanants, and in rate at which fines can be served.

Joseph D. Lohman
Sheriff of Cook County, Chicago

Harvey L. Long
Executive Secretary, Illinois Youth Commission, Springfield

Indiana

1903 Juvenile court act passed. Juvenile court created in Indianapolis; in other counties, circuit court has juvenile jurisdiction. Second separate juvenile court established 42 years later, in Gary.

1907 New girls' school, authorized 1903, opened for girls formerly held at Women's Prison. Legislature authorizes courts to place adults on probation to juvenile court. Twenty years later, adult probation services approved for other courts.

1909 "Hospital for insane criminals" built at and made part of state prison.

1910 Campaign for paid probation officers; pay authorized 1919.

1913 Departure from jail system—farm for short-term felons and misdemeanants—authorized; prisoners allowed to work on state highways.

1917 Sale of prisoner-manufactured articles to state and political subdivisions authorized; surplus to sell on open market. Prisoner contract labor out.

1921 State probation officer authorized. Payment allowed for prison labor.

1923 New reformatory for 16-30 age group. "Good time" allowed for farm inmates.

1933 "Good time" provision for determinate sentence cases. New probation and clemency commissions.

1937 Welfare Department to direct and assign staff to correctional units. Seven parole agents supervise 1,800 parolees.

1941 Juvenile court law revised; jurisdiction over children raised to 18 years. Law rewritten in 1945, patterned on Standard Juvenile Court Act.

1953 New Department of Correction replaces separate boards of trustees and Probation Commission; charged with administering all correctional institutions, classification and treatment, industries, farms, and probation supervision. Political spoils system in corrections replaced by merit appointment. No sale of prisoner-made articles on open market.

1954 Hospital for insane criminals at prison closed, patients transferred to new mental hospital.

1955 Correction Department given state parole supervision; law allows transfer of prisoners to Mental Health Department for psychiatric treatment. "Good time" allowed on minimum of indeterminate sentence.

PAUL L. MYERS
Chairman, Board of Correction, Indianapolis
D. A. RADEMACHER
Chief Probation Officer, Marion County Juvenile Court, Indianapolis

Iowa

1898 Board of Control of State Institutions replaces boards of trustees for juvenile industrial schools and 2 penitentiaries; Board still governs juvenile and adult correctional institutions.

1902 Board of Control to supervise all private children's institutions; courts cannot commit to institutions not reporting.

1904 Juvenile court established; jurisdiction under 16. Commitment only to state institutions and county and private institutions approved by Board of Control. Judges can appoint probation officers, without pay.

1907 First paid probation officers allowed—only 2 counties. Top salary, $900 a year; increased periodically to present $6,300; also extended to all counties over 30,000. No personnel standards in statute. In 1917, largest counties permitted to employ chief probation officer to supervise deputies. Number limited until 1947, thereafter by judicial discretion. In 1943, counties under 30,000 allowed to pay one officer fixed fee by hour or day; in 1951, counties can join in hiring officer—more than half of counties had some service by 1957.

Penitentiary at Anamosa officially designated "The Reformatory" for first offenders between 16 and 30. Indeterminate sentences, Board of Parole established; with minor amendments, this, first statute providing parole and indeterminate sentences, is still in force.

1909 Provision for punishment of contributors to delinquency of minors under 16 (changed to under 18 in 1924). In 1949, wanton neglect law added.

1911 Training school admission age fixed at 10 to 18. Courts permitted to commit wayward girls to private institutions as well as to training school. (1917-1933, funds to Board of Control to promote rehabilitation, aid "friendless girls" in private maternity homes.) In 1920, state juvenile home opened; delinquents under 15 can be committed along with dependents. Counties pay half of cost, except for training school.

1913 University establishes Bureau of Social Welfare: joint public-private welfare program organized in one-fourth of counties by 1933, when Bureau closed. Most were rural counties not permitted to pay for probation; workers assisted court as probation officers without extra pay.

1915 Contract prison labor abolished in penitentiary and reformatory.

1918 Women's reformatory opened at Rockwell City; women transferred from men's reformatory. No new institutions added since.

1924 Juvenile court jurisdiction raised to 18. Bureau of Child Welfare established in Board of Control.

Board of Control required to test, classify inmates (first classification board in penitentiary, 1940). Piece-price contracts (1921) lead to controversies which result in legislation establishing state-use system of prison labor.

1930 State Supreme Court upholds constitutionality of juvenile court act.

1937 Department of Social Welfare established; merit system included. Takes over all nonstate-institution duties of Board of Control, develops services to courts, and gives protective and preventive services through full-time county child welfare workers and supervisory field staff.

1945 Boy killed at training school; riot follows; public much aroused; investigations lead to transfer of hard-core delinquents to reformatory. Training school population cut; serious overcrowding ended; better classification, earlier parole since; commitments reduced (but rise in '56 and '57).

1947 Board of Control directed to appoint directors for mental institutions, correctional institutions, industries, and child welfare; all appointed except for correctional institutions.

1954 Two survey committees recommend facilities for seriously disturbed children. Several private agencies specialize in intensive treatment, abandon general custodial care.

1955 Small fund initiates state residential treatment center for disturbed children.

Robert G. Caldwell
Professor of Criminology, State University of Iowa, Iowa City
Esther L. Immer
Supervisor, Special Studies, Division of Child Welfare, Des Moines

Kansas

1901 "Dependent" and "neglected" defined; procedures in these juvenile cases set up. Pretrial detention in jails or lockups prohibited.

1903 Prison board created to establish rules and regulations for paroles.

1905 Juvenile courts in every county allowed; to have original and complete jurisdiction over dependent, neglected, and delinquent children. Juvenile probation officers provided for.

1943 Legislation provides that every minor in juvenile court must be represented by a guardian *ad litem*.

1947 Uniform act for use of state parolee supervision passed.

1957 After failures in 5 legislative sessions, new juvenile code adopted. Probation and parole act passed, based on Standard Probation and Parole Act; establishes Probation and Parole Board.

Earl L. Petersen
Member, Board of Probation and Parole, Topeka

Kentucky

1907 Juvenile court law ("Juvenile Criminals Act") provides sound basis for juvenile court; only act's title unsuitable. Paid probation officers included.

1910 Jefferson County court holds first juvenile session.

1915 Jefferson County's first chief probation officer and assistants appointed.

1919 Prison reforms, voluntary parole board, paid parole officers instituted.

1925 Mental Hygiene Clinic established in Louisville and Jefferson County; gives juvenile court some diagnostic aid.

1932 First adult probation law provides for both probation and parole officers. No great growth.

1936 Kentucky Children's Home, established 1895 for nondelinquents, reorganized; placed under Department of Welfare.

1937 Frankfort penitentiary, established 1860, abandoned; modern reformatory erected at LaGrange. Education and classification introduced. New wing constructed at Eddyville Penitentiary (built 1876). First statewide probation and parole law inaugurated.

1943 County judge (who is also juvenile court judge) appoints state's first trial commissioner (who acts as juvenile court judge) in Louisville. Separate hearings provided.

1949 Jefferson County judge appoints first Juvenile Court Advisory Committee (authorized in 1907 law). Committee selects state's first nonpatronage chief probation officer, plans merit selection of professional personnel.

1952 Youth Authority, providing Children's Bureau and comprehensive diagnostic screening of institutional referrals, created by revision of 1907 juvenile court law.

1954 Diagnostic reception center for juveniles established.

1956 Newspaper exposé of probation and parole deficiencies in 1953 leads governor to appoint investigative committee, whose study results in some improvements in probation and parole law—additional officers, increased salaries, selection on merit, higher standards.

Juvenile court act revised, dividing care of children between several departments and weakening the act. Forestry camp for juveniles established.

1957 Lexington and some other large cities have trial commissioners operating separate juvenile court under county court.

CHARLES C. DIBOWSKI
Chief Probation Officer, Jefferson County Juvenile Court, Louisville

ELMER RYLE
Director, Division of Probation and Parole, Department of Welfare, Frankfort

Louisiana

1902 Special provisions for handling certain children's cases. In 1906, another step toward separate procedures for children.

1908 Constitution amended to provide juvenile courts. Separate juvenile court provided for Parish of Orleans; in all other parishes, district court judges to function ex officio as juvenile court judges.

1913 New constitution provides juvenile courts as in 1908 amendment, but excludes parishes not containing incorporated town of 7,000.

1914 First parole law passed; allows parole for felons in restricted cases.

1916 Juvenile courts made available to all parishes regardless of population.

1921 New constitution provides juvenile courts as in 1913. Separate provision for Orleans Parish juvenile court continued; in other parishes with municipality of over 25,000, legislature can establish juvenile court with exclusive jurisdiction.

1924 Caddo Parish (Shreveport) juvenile court established by law.

1936 Juvenile court jurisdiction extended to adoption of children under 17.

1938 City courts given juvenile court jurisdiction concurrent with district courts in all parishes without exclusive juvenile courts.

1942 Parole eligibility extended to all felons other than those serving life sentences. Adult probation law provides for probation in felony cases.

1944 New juvenile court act for Orleans Parish closely following provisions of Standard Juvenile Court Act.

1948 By constitutional amendments, juvenile court jurisdiction identical in all parishes.

1950 Youth Commission established as permanent agency.

1952 New juvenile court statute, modeled on Standard Juvenile Court Act, applies to all juvenile courts, eliminating separate statutes for Orleans, Caddo, and the other 62 parishes. Juvenile Probation Advisory Council established in Department of Public Welfare to provide juvenile probation service to all juvenile courts, with special attention to rural parishes otherwise without such service.

Classified civil service for all state employees voted into constitution.

1954 Family Court for Parish of East Baton Rouge established as separate court with exclusive jurisdiction in all juvenile and domestic relations cases, excluding settlement of property rights.

1955 New state prison completed; modern plant replaces 1900 building.

1957 Joint Bar Association and Youth Commission committee studies plans for statewide juvenile or family courts on regional or district basis.

CHRIS BARNETTE
Judge, Caddo Parish Juvenile Court, Shreveport

CURVEY P. LANDRY
Director of Probation and Parole, Department of Public Welfare, Baton Rouge

Maine

1905 Law provides probation for Cumberland county.

1909 Appointment of one probation officer for each county authorized.

1913 Indefinite sentences, parole, and parole board within governor's Council authorized.

1917 New parole board established under commissioner of prisons.

1931 New, independent parole board established.

Municipal courts authorized to act as juvenile courts in certain cases.

1937 Classification, education, recreation, vocational programs in prisons improved.

1946 Commission appointed by governor to study rise in juvenile delinquency recommends statewide probation system.

1947 Municipal courts given jurisdiction in all juvenile cases except those involving life sentence.

Statewide probation system rejected in legislature; rejected again in 1949.

1954 Juvenile court jurisdiction extended through age 16.

1956 Entire program broadened at School for Boys.

1957 Statewide probation and parole system for adults and juveniles enacted.

JAMES A. MACKEEN
Chief Probation Officer, U. S. District Court, Portland

Maryland

1894 Liberal statewide probation law passed; second state to introduce probation.

1902 First juvenile court created by establishment of Magistrate for Juvenile Causes in Baltimore City; probation officers serve without pay (salary in 1906). Juvenile court transferred to circuit court and its facilities greatly enlarged in 1943.

1914 Parole by governor introduced; part-time Advisory Board of Parole appointed and functioned until 1923, when parole commissioner replaced Board.

1916 First statewide juvenile court law: circuit court to sit as juvenile court. Law used by few counties, repealed in 1931. Magistrate's court given juvenile court jurisdiction, but only one county establishes juvenile court under new law. In 1945 a statewide law reintroduces juvenile courts on the circuit level but several administrative units (Baltimore City and several counties) exempt themselves.

1922 Baltimore Criminal Justice Commission organized; from then on, important private agency in crime control.

1939 Board of Parole and Probation and Division of Parole and Probation, headed by director, established; governor still grants parole.

1943 Juvenile institutions for delinquents placed under newly created Bureau of Child Welfare within Department of Public Welfare; in 1948, Division of Training Schools created within Bureau.

1945 Reformatory for males of 16 to 26, and reformatory for women, established; indeterminate sentences to these institutions provided.

1948 Systematic in-service training for all correctional workers begun.

1950 Part III of Criminal Court of Baltimore City, as Youth Court, tries youthful offenders (except narcotic and gambling cases) 16 to 21.

1951 Patuxent institution for defective delinquents established; director is psychiatrist. Opened 1955 with capacity of 400; is state's most progressive experiment in adult corrections; 1957 appropriations assure enlargement.

1953 Parole law creates 3-man Parole Board; chairman is full-time director and administrator of Department of Parole and Probation; power to grant parole in majority of Board; governor paroles life termers.

1956 Commission for Prevention and Treatment of Juvenile Delinquency appointed by governor.

Peter P. Lejins
Professor of Sociology, University of Maryland, College Park

Massachusetts

1894 Commissioners of prisons authorized to parole, but not without approval of governor and Council; prisoner must have job "or otherwise be properly provided for."

1906 Comprehensive bill creates full-time juvenile court in Boston, and juvenile sessions in state's 72 district courts; empowered to commit boys to Lyman School (established 1846) and girls to Industrial School (established 1854).

1907 Juvenile probation officers appointed for municipal courts.

1908 Industrial School for Boys between 15 and 18 established at Shirley, to separate this age group from adult offenders.

1911 Prison commissioners permitted to release prisoner who had served two-thirds of minimum sentence but in no case less than 2½ years.

1913 First Board of Parole organized to grant paroles from prison and Reformatory for Women, and supervise parole agents.

1916 Board of Prison Commissioners and Board of Parole replaced: former succeeded by director of Bureau of Prisons, 2 deputies, and 5-member advisory Prison Board; latter by 3-man Board of Parole appointed by governor and Council.

1917 Judge Baker Guidance Center opened in Boston to assist juvenile court in making scientific studies of disturbed and delinquent. Juvenile courts given jurisdiction over new group—"wayward children"—those tending toward delinquency.

1919 Bureau of Prisons abolished, Department of Correction established with Board of Parole within it.

1921 Douglas A. Thom Clinic set up in Boston to treat children with severe emotional problems.

1931 Pretrial jail detention of children over 13 legally restricted.

1932 Prosecution and punishment of adults contributing to delinquency improved by law.

1936 Citizenship Training Group, Inc., established by private funds to provide afterschool rehabilitation for Boston Juvenile Court probationers.

1937 Board of Parole abolished, 5-member Parole Board (including 2 women) created. All to deal with women's cases, men on Board to deal with men's cases.

1938 Juvenile records withheld by law from public inspection.

1941 Jail detention of children further limited. Juvenile probation expanded. Parole Board made independent of Department of Corrections; employees transferred from commissioner to Parole Board. Board can grant conditional parole for good behavior.

1947 Public concern over increased juvenile delinquency leads to legislative recess commission, which continues investigation until 1955. Juvenile probation districts established.

1948 On recess commission recommendation, full-time expert Youth Service Board established with full control over training schools and classification, placement, transfer, parole, and discharge. Temporary reception centers opened, for boys at Westboro, for girls at Lancaster.

1951 Detention center for boys awaiting court proceedings established by Youth Service Board in Boston.

1953 Youth Service Board organizes delinquency prevention bureau to assist cities and towns in establishing local programs.

1954 Full-time juvenile court proposed by recess commission; rejected in legislature. Youth Service Board opens Institute for Juvenile Guidance, for intensive treatment of older, highly disturbed aggressive boys in secure setting. Three-year Roxbury Youth Project set up by Boston agencies to demonstrate direct services to juvenile gangs and problem families through detached-worker program.

1955 Million dollar Reception-Detention Center for Boys in Boston, and Residential Treatment Unit for young boys at West Boylston, opened by Youth Service Board. Board empowered to inspect police detention facilities and to administer a new state grant-in-aid program for the employment of school adjustment counselors in elementary schools.

Director of Parole Service supplants separate supervisors for men and women. Parole eligibility extended to lifers after 20 years served, except for those in Bridgewater hospital for criminally insane, or those confined for life for first degree murder (unless sentence commuted by executive action); extended also to habitual criminals. Sentence shortened by good conduct for those denied parole. Certificate of termination of sentence may be granted after year of satisfactory parole.

1956 Parole camps established to prepare parolees for community life. Youth Service Board authorized to establish regional detention centers in Springfield and Worcester, to expand delinquency prevention, and to establish new Reception Center for Girls in Boston (opened 1957). State psychiatric clinics for parolees organized. Special diagnostic clinic staffed by Department of Mental Health psychiatrists and psychologists established in Reception-Detention Center for Boys.

John D. Coughlan
Director, Division of Youth Service, Boston

Martin P. Davis
Director, Parole Services, Parole Board, Boston

Michigan

1901 All criminal cases involving defendants under 16 to be heard separate and apart from other criminal trials.

1903 First use of probation: permitted for first offenders.

1907 Juvenile division of probate court established with jurisdiction over delinquents under 17. Punishment provided for person responsible for child's delinquency.

1908 Constitution gives probate courts jurisdiction over all juvenile delinquents.

1913 Appointment of probation officers allowed.

1921 Separate boards of control for state's 3 prisons abolished; Prison Commission established. Full-time position of commissioner of pardons and paroles created.

1931 Presentence investigation mandatory in felonies. Referendum to restore capital punishment (abolished 1846) defeated.

1935 Prison industries placed under state-use system.

1937 Corrections Department established; first unified administration for adult probation, prison, and parole. Jail inspection transferred to state authority.

1938 Welfare Department creates Bureau of Child Welfare to give consultation to probate courts' juvenile probation services.

1939 Juvenile detention homes to be supervised by probate judges, inspected by Department of Social Welfare.

1941 Constitutional amendment puts state employees under civil service.

1943 Legislative Survey Committee of governor's Youth Guidance Committee drafts most comprehensive laws on child welfare ever prepared in state.

1944 Labels "delinquent," "dependent," and "wayward minor" eliminated; detention in jail of child under 15 forbidden, jail or adult facility stay limited to 10 days for those over 15 who would menace other children. Funds appropriated for foster home care of boys and girls from juvenile institutions.

1945 Statewide juvenile court statistical reporting system (cooperative project of Probate Judges Association and Department of Social Welfare) established; first annual report published.

1949 Corrections-Conservation camp program allowed. Habitual criminal statutes softened; use of penalty provisions permissive rather than mandatory.

1953 Parole Board expanded to 5 full-time members. Prerelease parole camp opened. Youth Division established in Corrections Department.

1956 Reception-diagnostic center for 500 opened. First probation-recovery camp opened.

1957 Processing of detainers lodged against prison inmates by in-state authorities speeded up by law.

RUTH BOWEN
Supervisor, Children's Division, Department of Social Welfare, Lansing

GUS HARRISON
Director, Department of Corrections, Lansing

Minnesota

1901 Board of Control succeeds Board of Corrections and Charities, to coordinate administration of adult and juvenile correctional institutions and parole.

1905 Separate juvenile courts established, and probation departments allowed, in Hennepin (Minneapolis), Ramsey (St. Paul), and St. Louis (Duluth) counties. (Probation departments now also provide service in adult criminal and domestic relations cases.)

1907 Home School for Girls established at Sauk Centre.

1908 Ramsey County Home School for Boys opened.

1909 Probate courts given juvenile court jurisdiction in all but 3 largest counties. Hennepin County's Home School for delinquent boys opened.

1911 Indeterminate sentence established (1917 amendment permits court to specify maximum).

1912 Ramsey County's Home School for delinquent girls opened.

Maximum security prison with 1,200 capacity completed at Stillwater, to replace territorial prison founded 1851.

1915 Capital punishment abolished.

1917 On recommendation of Child Welfare Commission, child welfare and juvenile court laws recodified with important new safeguards. Hennepin County Home School for Girls opened.

1920 St. Cloud reformatory has day rather than night schools, special classes for illiterate and deficient, vocational training, farm colony.

1923 Crime Commission created to develop better methods for bringing criminals to justice; in 1926, appointed to consider paroling procedures, indeterminate sentences, crime prevention.

1931 Board of Parole set up as separate department.

1934 Bar Association's Crime Commission appointed to study detection and apprehension, criminal law procedure and practice, punishment, pardon, and parole, criminal records and statistics.

1935 Prison camps permitted; reformatory to administer them (2 now operating).

1947 With Bar Association and public support, Youth Conservation Commission established with jurisdiction over all offenders under 21.

1948 Study centers established at correctional schools and reformatories.

1949 Boys' and girls' correctional schools administered by YCC.

1951 Forestry camp established for men 18 to 21.

1952 Hennepin County Home School for Girls closed because of decreasing population and higher per capita costs.

1955 Second camp for above-school-age delinquents established.

1957 Funds for second forestry camp for younger juveniles appropriated. First juvenile detention homes in state completed by Hennepin and Ramsey counties.

A. Whittier Day
Chairman, Youth Conservation Commission, St. Paul

Paul Keve
Director, Hennepin County Department of Court Services, Minneapolis

Mississippi

1916 First juvenile court act (with amendments, in effect until 1940) provides that either criminal or juvenile court jurisdiction can be chosen for minors, at whim of prosecutor or judge. Meager salaries for a few probation officers on purely local levels provided.
First pardon board, 5 members, created; to meet 3 times a year and make recommendations to governor. Repealed 1924 after bitter public criticism.

1940 Second juvenile court act passed.

1944 First bona fide parole act passed: 3-member board with staggered terms, chairman full-time, others part-time and paid per day. Parole supervision provided jointly by county welfare agents and sheriffs.

1946 Third juvenile court act—still in force—passed. Original jurisdiction (sustained by Supreme Court in 1952) in specially designated juvenile courts; unenforceable provisions for merit screening of personnel.

1950 Parole Board of 3 full-time members paid by year established.

1956 Probation for adult offenders allowed; administered by joint probation-parole board with full-time probation-parole officers.

Edwin B. Ziegler
Chief Probation Officer, U. S. District Court, Gulfport

Missouri

1901 Office of pardon attorney created.

1903 Juvenile courts established in St. Louis and Kansas City; children to be treated not as criminal but as misdirected and misguided.

Circuit judges to appoint Board of County Visitors to visit jails and almshouses once every 3 months and report to county courts and Board of Charities and Corrections.

1909 First use of parole of prisoners from penitentiary.

Statute creates Training School for Negro Girls; opened 1916; combined with Training School for White Girls in 1955. (Statute for Training School for Boys effective 1887.)

1911 Two juvenile court laws, each covering counties of different sizes, define delinquent, dependent, and neglected children, jurisdiction, court procedures, care and treatment of children. (Revised 1929 and 1939, but no uniform juvenile court law for all counties until 1957.) Boards of Children's Guardians created in all cities of 500,000 or more to manage institutions; St. Louis Board created at this time to care for neglected, dependent, and delinquent children in foster family and group homes.

1913 Board of Pardons and Paroles of 3 full-time members replaces pardon attorney.

1919 Several Children's Code Commissions complete 4-year study of all juvenile laws.

1927 Intermediate reformatory for men 17 to 25 created.

1937 Board of Probation and Parole created with power to parole from juvenile institution, recommend adult paroles to governor. Probation and parole officers appointed (and still appointed) by competitive examination; assigned to circuit courts for felony cases. No change in local control and probation and governor's final parole authority.

Division of Child Welfare (later Child Welfare Services in Division of Welfare) assigned supervision of juvenile probation under court and board of probation and parole. Consultant on juvenile courts and probation employed; eliminated in 1944 merger of Division of Child Welfare with Bureau of Local Welfare Services.

1945 New constitution separates pardon power from parole power.

Board of Training Schools, created by constitution, emphasizes education rather than punishment. Close cooperation between Division of Welfare and Board of Training Schools in developing foster home and other specialized resources for delinquents. Division of Welfare made guardian of all delinquent children under 12.

1946 Bipartisan Board of Probation and Parole of 3 full-time members given full parole power. New Department of Corrections with 3 autonomous divisions—Educational Institutions (with juvenile parole power), Board of Probation and Parole, and Penal Institutions—created. New merit system created for appointments.

1957 New Division of Probation and Parole created with bipartisan board of 3 full-time members, given complete parole authority. Local control of probation retained. New Department of Corrections created: 5 of its divisions—Administration, Classification and Assignment, Prison Industries, Prison Farms, Inmate Education—have director appointed by Department director; 2—Training Schools, Probation and Parole—autonomous.

Uniform juvenile court law for all counties emphasizes diagnosis and treatment; children no longer labeled dependent, neglected, or delinquent. Juvenile officers mandatory in all counties; prosecuting attorneys no longer act as juvenile officers.

Donald W. Bunker
Executive Secretary, Board of Probation and Parole, Jefferson City
Lorena Scherer
Director of Child Welfare, Department of Public Health and Welfare, Jefferson City

Montana

1905 Bureau of Child and Animal Protection created.

1907 District courts given jurisdiction over children up to 16. Court clerk to report number of children adjudicated; parent's and child's name and other identifying information not to be disclosed.

1911 No child under 18 can be placed in jail or lockup. County commissioners empowered to provide detention home in counties of 40,000 (later extended to counties of 30,000). Juvenile Improvement Committee to be appointed by district court judge.

1913 Adult probation allowed.

1921 Institution to which children of 18 or under committed to be inspected and approved once a year by Bureau of Child and Animal Protection; Bureau to receive 35¢ per day while child is in its custody.

1943 New juvenile law drafted, establishes original, exclusive juvenile court jurisdiction in district court over minors up to 18 for delinquency, minors between 18 and 21 for crime, and parents willfully failing to provide care.

1947 Age of juvenile court jurisdiction lowered: child over 16 under jurisdiction of criminal courts if charged with certain offenses.

1948 Legislature authorizes commission to study juvenile delinquency but withholds appropriation.

1951 Control by terror and beatings reported at School for Boys. Children's Bureau prescribes improvements, legislature appoints investigating committee, governor appoints advisory committee, etc. Political graft revealed in sales of institutional farm products for private gain. Governor insists Board of Education (administrator of school) improve practices, recommends appointment (acted on) of first well-qualified superintendent.

1954 District Judges' Conference advocates clarification of juvenile laws.

Institute on Indian Affairs stresses law enforcement and prevention of crime on the reservation.

1955 Board of Pardons established.

1957 Escapes at School for Girls demonstrate need for classification and security facility. Child Welfare Advisory Committee, created by legislature in 1955, recommends changes which lead to laws requiring judge to appoint county juvenile court committee and establishing parental restitution responsibility up to $300, proper detention facilities, qualifications for probation officers, etc.

HAROLD TASCHER
Professor of Social Work, Montana State University, Missoula

CLARA S. WITHEE
Chief Probation Officer, Juvenile Department, Ninth Judicial District Court, Conrad

Nebraska

1905 Juvenile court established with original jurisdiction over dependent, neglected, and delinquent children under 16, in district court; concurrent jurisdiction in county court in absence of district judge. Probation officers provided for in counties over 40,000 (Douglas and Lancaster).

1907 Nonexclusive age jurisdiction of juvenile court extended to 18.

1911 Indeterminate sentence provided for adult offenders except for certain offenses.

1913 Optional adult probation system permitted. Probation officers appointed by judges, paid by counties. (Apparently in use to this day only in Omaha and Lincoln.)

1920 Constitution establishes Board of Pardons (governor, secretary of state, and attorney general) to act on all applications for pardon, parole, reprieve, commutation, remission of fine and forfeiture; still in force.

1921 Reformatory for men authorized.

1922 Reformatory for women authorized.

1957 (State's early development comparable to that of other Midwestern states, but slowed up after initiating stage. At passage of law described below, this was the situation:)

For parole of all adult offenders from the 3 adult correctional institutions, one state parole officer (the "chief state probation officer") is employed; great deal of the work done by correspondence and local volunteer supervisors (often peace officers). Three adult probation officers provided by district court serving Douglas County (Omaha area) and 2 adjoining counties; one by district court of Lancaster County (Lincoln area). No other paid officers known.

Juvenile parole supervision (from the 2 state training schools) regularly provided through county welfare board staff by administrative arrangement. Juvenile probation: juvenile court of Douglas County served by 6 juvenile probation officers appointed by district judge presiding over juvenile docket. Juvenile court of Lancaster County served likewise by 4 juvenile probation officers. No other organized juvenile probation service known, though county welfare workers and others often asked to assist.

1957 law provides for establishment and administration of statewide system of probation in district courts by creation of 10 probation districts. Nebraska District Judges Association (for all district judges) created to administer the system. Appointments to be made by district judges of each probation district; salaries and travel expense to be provided by state, maintenance of office facilities by counties. Powers of arrest of violators and interdistrict transfer of probation supervision provided. Judges of county and municipal courts may appoint probation officers at their pleasure to serve without pay. In counties over 60,000 population (the 2 metropolitan counties) district judge with juvenile docket retains right to appoint juvenile probation officers.

RICHARD G. GUILFORD
Director, Graduate School of Social Work, University of Nebraska, Lincoln

Nevada

1909 Juvenile court established, to handle dependent and neglected children. Juvenile probation officer appointed by district court.

1911 Children of 8 to 14 prosecuted as adults if clear proof of criminal intent established; children over 14 prosecuted as adults.

1924 First execution in prison by gas in U.S.

1945 First state parole department organized, formerly handled by prison clerk who released parolees and told them not to return to state.

1949 Juvenile code adopted, establishing juvenile divisions in the district courts and defining jurisdiction, powers, and duties; provides for appointment of juvenile referees, probation committees, probation officers.

1951 Adult probation act passed. Parole and probation combined under chief probation and parole officer.

1957 Chief parole and probation officer also chairman of Board of Paroles, which has 4 paid, nonpolitical members appointed by governor for staggered terms. (Former Board, consisting of governor as chairman, 3 Supreme Court justices, and attorney general, will continue as Board of Pardons until new Board structure is voted on.) Nevada Probation and Parole Association holds organization meeting.

Legislation authorizes Washoe County commissioners to spend $200,000

for construction of detention home, if approved in general election in June, 1958.

EDWARD C. CUPIT
Chief Parole and Probation Officer, Department of Parole and Probation, Carson City

DWIGHT A. NELSON
Probation Officer, Washoe County District Court, Juvenile Department, Reno

New Hampshire

1901 Removal of certain delinquent children from almshouses, workhouses, and jails permitted.

1905 Original jurisdiction over cases dealing with children under 16 vested in Superior Court; juvenile court session provided; authority given to appoint "discreet persons of good moral character" as probation officers.

1907 First probation law passed, largely as result of address by Judge Ben B. Lindsey, of Denver; regulates treatment and control of dependent, neglected, and delinquent children, provides for hiring probation officers; forbids committing any child to institution where adult criminals are confined.

1915 Newspaper publication of names or addresses of arrested delinquent children unlawful without judge's expressed permission.

1937 Statewide probation law, basis for present probation service, prehearing investigation mandatory in every juvenile case; felony cases also thoroughly investigated by probation officers before disposition.

1947 State mental hygiene clinics establish diagnostic treatment centers for children.

1949 State probation service extended to more local courts.

1954 Advisory council to state probation department organized.

1956 State probation officers collect and disburse over $1,000,000 for support of dependent children.

1957 Sharp increase in vandalism prompts enactment of law making parents financially responsible up to $500.

RICHARD T. SMITH
Director, State Department of Probation, Concord

New Jersey

1903 Juvenile courts authorized.

1906 Probation authorized.

1913 Reformatory for Women at Clinton opened. Age limit, 16 up.

1918 Department of Institutions and Agencies, under Board of Control, established to combine state's welfare, mental hygiene, and correctional services.

1929 Reformatory for Males at Annandale opened—separate facility for first offenders between 16 and 26 serving indeterminate sentences.

Juvenile court mandatory in each county.

1930 Classification in penal and correctional institutions and training schools reorganized. All women prisoners transferred to Clinton Reformatory from women's wing at prison. Clinton now serves as institution for all female offenders over 16.

1931 Bureau of Special Service established in Jersey City schools.

1936 Children's Bureau established in Passaic schools.

1943 Juvenile court age raised to 18, with option on jurisdiction over children between 16 and 18 exercised by prosecutor.

1946 Parole system reorganized into districts; the then separate prison parole system integrated with department-administered system.

1947 Option on jurisdiction over children 16 to 18 transferred from prosecutor to juvenile court judge. Municipalities authorized to establish Youth Guidance Centers.

1948 Constitution creates Parole Board to handle minimum-maximum sentence cases; 3 members, appointed by governor. Two institutions—Prison Farm at Bordentown and Reformatory at Rahway—redesignated so that newer and better Bordentown Farm can be used as reformatory for rehabilitation of less confirmed offenders.

1949 Diagnostic Center opens, to provide intensive psychiatric studies of individuals referred by courts, institutions, or other public agencies. Report of the Commission to Investigate Problem of Habitual Sex Offender leads to law (1950) providing Diagnostic Center examination of all convicted sex offenders, use of any facility for their treatment, and Special Classification Review Board to initiate their parole.

1950 Short-term treatment center—Highfields—opens at Hopewell, under New York Foundation grant, as experiment in intensive guided group interaction for rehabilitation of 16- and 17-year-old boys on probation. Vincent Astor Foundation funds provide for 5-year research on results.

1953 Juvenile courts directed to establish juvenile conference committees by Supreme Court.

1954 Use of prison and reformatory inmates away from parent institution, in state forests and elsewhere, expanded.

1957 Law recognizes treatment method initiated at Highfields, appropriates funds for second unit, authorizes additional similar residential group centers.

F. Lovell Bixby

Director, Division of Correction and Parole, Department of Institutions and Agencies, Trenton

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New Mexico

1903 Coeducational reform school established at El Rito by territorial legislature.

1909 Parole for penitentiary inaugurated on "bookkeeping" plan, with no supervision.

1917 Original juvenile court law defines juvenile delinquents, establishes juvenile courts as a function of district courts, and provides for probation officers though these not mandatory.

1921 Girls' and boys' reform schools separated: Boys School established at Springer, Girls Welfare Home at Albuquerque.

1939 Juvenile detention homes allowed. First (and only one to date) opened in Albuquerque in 1941.

1949 Commission on Alcoholism established by law to study the problem, educate the public, operate residential treatment centers for diagnosed alcoholics.

1952 Governor appoints Committee on Juvenile Affairs to study growing delinquency.

1953 Juvenile court and delinquent children laws passed, patterned on Standard Juvenile Court Act. Commission on Youth created by law to investigate delinquent and dependent youths, with special attention to etiology, treatment, management, public and private resources, rehabilitation, incarceration, parole, juvenile courts, institutions, and all recreational facilities.

First statutory provision for adult probation establishes statewide probation system; district court probation offices to serve both juveniles and adults, but not mandatory on the courts.

1955 Juvenile court act based on Standard Juvenile Court Act creates juvenile courts as part of district courts in each county with exclusive jurisdiction over persons under 18.

Comprehensive statewide parole system established independent of penitentiary; provides district parole offices and supervision. Indeterminate sentence at statutory minimum and maximum mandatory, sentence to any arbitrarily chosen part of such penalties prohibited. New Mexico Probation, Parole, and Correctional Association organized.

1956 Penitentiary (cost $8,000 000) opens; rehabilitative principles followed; politics removed from administration.

WILLIAM J. COOPER
Chief Probation Officer, U. S. District Court, Albuquerque

HELEN ELLIS
Professor, Sociology Department, University of New Mexico, Albuquerque

New York

1901 First general probation law passed; scope broadened, 1903. First paid probation officer, 1904.

1907 Probation Commission established to make 1901 law more effective.

1908 First annual probation conference held.

1912 Unanimous decision of Court of Appeals rejects efforts to remove probation positions from competitive civil service.

1921 Pioneer institution for defective delinquents opened at Napanoch.

1922 Children's courts mandatory for all counties.

1927 Department of Correction succeeds Prison Department, brings all institutions under one jurisdiction.

1928 Division of Probation in Department of Correction made responsible for general supervision of local probation; in 1930, responsible for effective application of laws on children's courts.

1930 Full-time Board of Parole and Division of Parole created in executive department, with mandate for casework treatment.

1932 Opening of medium-security prison at Wallkill for "accidental" criminals highlights diversification of institutions and emphasis on individual rather than mass treatment. Institution for defective delinquent women established at Albion, 1931; similar institution for men at Woodbourne, 1935; separate prison for women at Bedford Hills, 1933; vocational institution for men 16-19 at West Coxsackie, 1935.

1935 Department of Correction adds Division of Education to implement new stress on correctional education in all institutions.

1936 Indeterminate sentence mandatory.

1937 First "service unit" (for casework) established at Wallkill; units now in almost all state institutions.

1943 Corrective treatment (probation or institutionalization) provided for selected 16- to 19-year-olds without branding as criminals by Youthful Offender law.

1945 Special survey results in establishment of Reception Center at Elmira for study of male offenders 16-21 before assignment to institution; consolidation of parole services from institutions under Division of Parole; Youth Commission created as pioneering "partnership in youth" between state and communities in prevention.

1954 Department of Correction adds Division of Research for critical evaluation of rehabilitation programs.

1955 Probation services expanded; state aid to local probation departments provided for. Department of Correction adds Division of Youth to coordinate and direct growing youth programs.

1956 Camp Pharsalia opened; first of series of correction-conservation work camps for selected young male offenders.

THOMAS J. MCHUGH
Commissioner, Department of Correction, Albany
EDWARD J. TAYLOR
Director, Division of Probation, Department of Correction, Albany

North Carolina

1907 First training school for delinquent children—Stonewall Jackson Training School for white boys—authorized; opened 1909.

1915 Probation of youthful offenders under 18 allowed; superseded by 1919 juvenile court law.

1917 Broad responsibility given to Board of Public Welfare to inspect and report on county jails. prisons, prison camps, and other penal institutions, and to approve plans for construction of new jails.

Board also to study and promote welfare of delinquent child and to place and supervise delinquents. Training school for delinquent white girls authorized; opened 1918.

1919 Juvenile court to be established in each county with jurisdiction up to 16; clerk of Superior Court designated juvenile court judge, county superintendent of public welfare designated chief probation officer of juvenile court in county. Confinement of children prohibited where they may be in contact with adult criminals. Detention homes provided for.

1923 Training school for delinquent Negro boys opened.

1925 Second training school for delinquent white boys opened, providing school for this group in both eastern and western sections of state.

1929 Domestic relations courts authorized.

1933 Prison Department brought under Highway and Public Works Department.

1935 Gubernatorial appointment of commissioner of paroles and necessary assistants provided for.

1937 Statewide adult probation system under Probation Commission established.

1943 Law provides for training school for delinquent Negro girls, after many years of support by white and Negro clubwomen; program underway next year. Board of Correction and Training established to administer all training schools for delinquents.

1947 Laws specify Board of Public Welfare procedure in bringing about corrections in jail structures and treatment of prisoners.

Special program for rehabilitation of youthful offenders established within prison system.

1949 Prison Advisory Council created to promote rehabilitative practices.

1955 Board of Paroles (3 members), with authority to parole and supervise parolees, supersedes commissioner of paroles.

1957 Law separates prison system from Highway Department, creates Prison Department under 7-member Prison Commission. Emphasizes rehabilitation and training, including prisoner workday release.

J. D. BEATY
Director, State Probation Department, Raleigh
ELLEN WINSTON
Commissioner, State Board of Public Welfare, Raleigh

North Dakota

1905 Parole provided, under certain conditions, for penitentiary inmates.

1911 Law declares all dependent, neglected, and delinquent children under 18 state wards, subject to court care, guardianship, and control; clearly defines for first time the state's "parental" role. Juvenile court established; age of criminal responsibility raised from 14 to 18.

1915 Statutes provide for appointment of paid juvenile commissioners. Capital punishment prohibited; maximum penalty for first degree murder set at life.

1921 Major advance in child welfare legislation and administration: Children's Code Commission appointed. Code enacted 1923; Children's Bureau created, under Board of Administration, to administer child welfare laws.

1935 Welfare Department, and welfare board in each county, provided for; begins development of local child welfare services and relieves juvenile courts of much work with dependency and neglect.

1943 Work farm established for selected misdemeanants and felons "on honor," independent of penitentiary.

On Code Commission recommendation, 1911 juvenile court law and amendments repealed; progressive law enacted.

1947 District judges allowed to suspend imposition of sentence, place felons on probation, and at end of satisfactory probation dismiss the information or indictment and release probationer from all penalties and disabilities. This statute now used to large extent.

Reuben E. Carlson
Child Welfare Consultant, Public Welfare Board, Bismarck
J. Arthur Vandal
State Parole Officer, Board of Pardons, Bismarck

Ohio

1902 Second juvenile court in U. S. established in Cleveland as part of Insolvency Court.

1904 Cleveland juvenile court authorized to employ paid probation officers; juvenile courts in 8 additional counties provided for.

1906 Juvenile court act amendment permits assessment of fines and costs against adult contributors to delinquency; more paid probation officers permitted; appointment of at least one woman officer mandatory.

First "state use" work done in correctional institutions; contract labor abolished.

1908 Jurisdictional age of juvenile court raised from under 16 to under 17 for delinquents and dependents; boys 16 or older who had committed felonies can be sent to reformatory; penalties against adult contributors increased; county commissioners authorized to provide detention homes.

1911 Juvenile courts extended to 17 counties; juvenile court findings against a child cannot be used as evidence against that child in any other court. Board of Administrators replaces all boards of trustees for 18 institutions (including Boys' Industrial School at Lancaster, established 1857, and Girls' Industrial School at Delaware, established 1869). Board of Administrators given parole responsibility.

1913 Juvenile court mandatory in every county; jurisdictional age raised to under 18 (present limit); physical and mental examination required for all children committed to institutions. First Children's Code in U. S. enacted; state service for care of dependent children created. Bureau of Juvenile Research created to diagnose and classify children committed to state.

Construction of separate facility, London Prison Farm, authorized for those "susceptible to instruction and rehabilitation." First separate facility, Lima State Hospital, opened for the criminally insane offender and the emotionally disturbed prisoner. Indeterminate sentence mandatory. (In 1921, law restores right to impose definite sentence; since 1931, sentences general or indeterminate within statutory penalties.)

1916 Reformatory for Women, first separate facility for female prisoners, opened.

1921 Board of Pardon and Parole established within Department of Public Welfare. Board of Administrators abolished; 8 administrative departments created, each under director appointed by governor. All correctional institutions under newly created department.

Counties permitted to establish child welfare boards to administer services to dependent, neglected, and delinquent children.

1923 Suspension of imposition of sentence and county departments of probation allowed. Department of Public Welfare authorized to prescribe training and experience for county probation officers, to supervise all officers, collect and publish statistics. (Law now allows state to supervise probationers in counties without department of probation.) Division of Probation and Parole established by executive order. (Prior to this, parolees supervised by parole officer attached to institution.)

1927 Bureau of Juvenile Research limited to Welfare Department assignments and to children received from public nonstate, or private, institutions, or legal custodians. In practice most children referred by juvenile court.

1930 Easter Monday fire and riot at penitentiary; over 300 lives lost.

1931 Board of Parole with 4 members established.

1937 Juvenile court act passed, based on Standard Act.

1941 Division of Correction created in Department of Public Welfare; additional divisions by director's administrative action with governor's approval allowed.

Minimum age of girls admitted to Industrial School raised from 10 to 12 (upper limit, 18).

1945 County child welfare board mandatory in every county, relieving juvenile courts of administrative responsibility for actual care of children, though not modifying jurisdiction.
Standards and regulations for parole supervision established.

1948 Two notorious parolees embark on robbery and murder, killing 6 persons. Parole staff of 25. Official and public indignation leads to increased appropriations for parole staff, allowing 20 additional officers.

1949 Central receiving, study, and classification of all male prisoners authorized. Three additional district parole offices opened—total, 5.
Division of Juvenile Research, Classification, and Training created in Department of Public Welfare, Industrial Schools and Bureau of Juvenile Research assigned to it for administration; functions similar to Youth Authority.

1950 Forestry honor camp system begun.

1952 Riot and fire at penitentiary cause million dollar damage.

1953 Central reception, diagnosis, and classification established in new 100-bed center by Bureau of Juvenile Research; center receives commitments from 50 of 88 counties.

1954 Juvenile Diagnostic Center consolidates functions of abolished Bureau of Juvenile Research and reception and classification. Psychiatrist appointed as director. Juvenile Placement Bureau created by administrative action to consolidate all parole and placement within Division. Department of Mental Hygiene and Correction established, and Division of Juvenile Research, Classification, and Training given statutory status within it.
Division of Correction removed from Department of Public Welfare and placed in new Department of Mental Hygiene and Correction. Sixth District Parole Office created.

1955 New 1,500-man medium security facility, Marion Correctional Institution (first major prison construction in 30 years), opened. Lebanon Correctional Institution, 1,500-man medium security facility, authorized; construction to begin 1957.
$3,000,000 appropriated for additional 150-bed central reception and classification unit and 100-bed psychiatric treatment unit at Juvenile Diagnostic Center.

1956 Juvenile court and local agency admissions to Juvenile Diagnostic Center discontinued; space converted to classification uses.

1957 Appropriation of $1,750,000 for new 200-bed Training School for Boys; appropriation also for 2 youth camps in state forests.
Money for 11 new parole officers appropriated.

JOHN R. FERGUSON
Chief, Division of Juvenile Research, Classification, and Training, Department of Mental Hygiene and Correction, Columbus

ROWLAND R. LUTZ
Chief, Bureau of Probation and Parole, Division of Correction, Department of Mental Hygiene and Correction, Columbus

Oklahoma

1907 New state government arranges for Kansas to confine Oklahoma prisoners in its penitentiary. Constitution gives governor power to reprieve, commute sentence, parole, and pardon. Between 1905 and 1908, 60 Oklahoma boys under 17 sent to Kansas penitentiary; crib, water cure, dungeon, and flogging freely used. Commissioner of Charities and Corrections urges establishment of Oklahoma penitentiary.

1908 Board of Pardons created to advise governor on paroles.

1909 Convicts build penitentiary at McAlester; site chosen for coal mines there. During construction, prisoners inside stockade surrounded by high wire fence charged with electricity; live in large frame building with cells for 600; building burns 3 times during occupancy.

Training School for White Boys established at Pauls Valley; later moved to Helena, from there to sub-prison at Stringtown; in 1956, to Helena. Reformatory located at Granite because of large granite knob on grounds from which inmates make "little ones out of big ones." Originally intended for boys between 16 and 25; later, confinement of older and more seasoned felons authorized. Now medium security for first offenders.

1915 Training School for Negro Boys established on penitentiary grounds.

1917 Industrial School for White Girls established; girls may be held there until 18. Training School for Negro Girls established at Deaf, Blind, and Orphan Institute for Negroes at Taft. New facilities built since World War II at Taft under separate administration and at new site.

1919 Bureau of Pardons and Parole—pardon attorney, clerk, and stenographer—created.

1931 Sub-prison changed to minimum security institution.

1937 Board of Public Affairs authorized to operate diversified industries within penal and eleemosynary institutions.

1943 Pardon and Parole Board of 5 members (none of whom can be elected state official) created, with power only to recommend to governor. Pardon and parole officer and 8 assistants provided.

1947 Pardon and Parole Board adopts modern rules; permits press to sit in on interviews wtih prisoners (rules broadened in 1955).

1949 Classification Committee for Prisoners created; all prisoners sentenced to prison by state courts required to be sent to McAlester Penitentiary for classification and screening.

First juvenile court created for Tulsa County; jurisdiction under 18.

1951 Act prohibits corporal punishment in penal and corrective institutions.

1957 Children's Court for Oklahoma County created. Juvenile jurisdiction in other 75 counties remains in county courts.

LEONARD M. LOGAN
Director, Institute of Community Development, University of Oklahoma, Norman

DOROTHY YOUNG
Judge, Tulsa County Juvenile Court, Tulsa

Oregon

1905 First juvenile code establishes handling of dependent and delinquent children in special sessions of circuit courts; records kept separately; jurisdiction over all children under 16, but child can be remanded to adult court. Court given power to appoint probation officers. Jailing of child under 12 prohibited.

Law gives governor power to parole penitentiary inmates; circuit courts authorized to "parole" (put on probation) persons convicted of violation of criminal laws.

1907 Juvenile jurisdiction age raised to 18, minimum jail age to 14. Hearing procedures and appointment of probation officers the same in all counties except Multnomah (the largest), where juvenile jurisdiction is given to county courts and special deputy district attorney prosecutes all juvenile cases.

1911 Parole Board of 3 citizens to advise governor.

1913 In counties of more than 100,000, special circuit court sessions to hear juvenile cases. Records destroyed at judge's discretion (if he holds child no longer dependent or delinquent). Two departments of juvenile court—one for boys, one for girls—created.

1915 Position of parole officer created, to supervise parolees from penitentiary and circuit court "parolees" (probationers).

1919 In counties of less than 200,000, county judge to appoint juvenile probation officer. In Multnomah, Department of Domestic Relations established in circuit court with exclusive jurisdiction over all children under 18; to hear all cases involving contributing to delinquency of minor.

1921 Any child convicted of crime can be certified to juvenile court; certification automatically makes him a "delinquent" and suspends any sentence unless he is sent back to convicting court.

1931 "Model Probation Act" gives criminal courts power to suspend imposition or execution of sentence and to grant probation for definite or indefinite term not exceeding 5 years.

1933 All juvenile matters transferred from county to special sessions of circuit courts; judge may destroy records; no evidence or disposition in any such hearing to be used in any other proceeding.

1937 Second parole officer added. Governor appoints special commission to study parole, probation, sentencing laws.

1939 Special commission report enacted, removing parole authority from governor and creating 3-man Board of Parole and Probation with sufficient staff to supervise parolees and probationers properly.

No child under 12 to be committed to state training institutions.

1947 All minimum sentence requirements abolished, giving parole board authority to parole at most suitable moment.

1949 MacLaren School for Boys (moved to Woodburn in 1927) institutes unit system—responsibility for boy to those actually working with him

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instead of to classification committee. Camp programs developed (now, 2 camps working for state park department). Foster care under school administration, instead of court or welfare. Parole officers' caseloads reduced to meet recommended standards. Clinical staff developed, including consulting psychologist and psychiatrist and full-time social casework staff. Academic program raised to meet state standards. Reception unit for diagnosis opened. Rich activity program in security unit. Sports participation with other high schools developed. Boys returned to community on gradual basis.

1950 Multnomah County court and detention home rebuilt.

1951 Department of Domestic Relations provided for Marion County, has exclusive jurisdiction over juveniles and offenses against minors.

1955 Judges of juvenile courts of each county to appoint qualified persons as juvenile counselors. Counties authorized to build suitable detention facilities.

Parole and Probation Department reorganized; probation extended to certain misdemeanant courts.

1957 Construction started on long needed institution for younger felons.

Department of Domestic Relations established in Lane County court.

Modern detention homes authorized and ready for construction in Lane and Jackson counties.

CARL W. NELSON
Director, Juvenile Department, Marion County Circuit Court, Salem
H. M. RANDALL
Director, Parole and Probation, Board of Parole and Probation, Salem

Pennsylvania

1901 All prisoners sentenced to one year or more can earn commutation or "good time," which is forfeited (and parolee returned to institution) if new crime committed during period.

1903 Juvenile courts established in judicial districts with jurisdiction over dependent, neglected, and delinquent children under 16 at initial contact (extended to age 21 in 1933). Counties charged only half the per capita cost for each child in certain institutions.

1905 Constitutionality of juvenile court upheld.

1909 Probation and parole law provides indefinite sentences to penitentiaries, minimum not to exceed one-fourth the maximum; 30 years maximum for those with 2 or more past sentences of not less than one year. Parole granted by governor on recommendation of prison inspectors and Board of Pardons. Supervision of parolees authorized but no provision for supervisors; parolees supervised by institutions.

1911 Parole powers extended to judges of criminal courts over cases sentenced to county institutions, with power to reparole; supervision by county probation offices. Minimum penitentiary sentence left to court discretion. Violation by new crime forfeits all time served on parole.

1913 Industrial Home for Women established to receive women offenders with indeterminate sentences not exceeding 3 years.

1917 County commissioners empowered to establish and maintain schools for juvenile delinquents.

1921 Department of Public Welfare replaces Board of Public Charities; to supervise and prescribe standards for agencies and institutions handling neglected, dependent, and delinquent children.

Power to parole extended to orphans courts, county courts, and others, exclusive of summary courts. Provision for parole from houses of correction.

1923 Courts' tendency to impose minimum sentences almost as long as maximum leads to law requiring minimum sentences not to exceed one-half the maximum. Prison inspectors required to notify district attorney and judge of intention to recommend parole 10 days ahead of parole hearing.

Children's Commission codifies and recommends changes in laws on children.

1927 Indentures of children disallowed as recommended by Children's Commission.

1929 Revision of Administrative Code redefines Department of Welfare's responsibility to supervise children's institutions and public and private child-placing agencies.

Parolee supervision transferred from institutions to Department of Justice. Board of Pardons to establish district parole offices, appoint parole officers, set standards for supervision, issue warrants for arrest of violators, and report to institution on parolees' conduct.

1933 New juvenile court act passed. Separate and specialized juvenile court for Allegheny County established; only juvenile court in commonwealth for which judge is specially elected and without other duties.

1939 Juvenile court initial jurisdiction age raised from 16 to 18.

1941 Independent board with full parole, reparole, and revocation power created. Parole staff appointed by competitive examination. Board to have jurisdiction over all criminal court cases with maximum sentence of 2 years or more to any institution, with authority to parole at expiration of minimum; may extend court-imposed but not statute-imposed maximum. Courts can certify probation and parole cases with less than 2-year sentence to Board for supervision.

1943 Supreme Court rules 1941 Parole Act constitutional except for section giving Board power to extend maximum imposed by court.

1945 Powers of Department of Welfare in juvenile delinquency extended.

1950 Governor's Committee on Children and Youth established to advise on care and treatment of children by public agencies.

Supreme Court holds Parole Board cannot detain rule violator beyond maximum date of original sentence; 708 parolees discharged as result.

1951 Effects of 1950 court decision remedied—declaration of delinquency by Board suspends parole and permits forfeiture of unserved parole time

in technical violation, and loss of all parole time from release in violation by new conviction.

1952 Certain sex offenders to be sentenced "one day to life" if, after psychiatric examination and in court's opinion, the defendant at large would threaten bodily harm to public or is habitual offender and mentally ill. Within 3 months of sentence and every 6 months thereafter, Board of Parole, after obtaining psychiatric report, must review case.

1953 Parole supervision transferred from training school to juvenile court.

1955 Board of Parole empowered to deputize any person to return parole violators from other states.

1956 Additional powers in delinquency matters assigned to Department of Welfare: consultation to communities and agencies, creation of classification centers, increased responsibility for collection and dissemination of statistical data on delinquency. As result, Division of Youth Rehabilitation established in Bureau of Children's Services.

1957 First Youth Forestry Camp for delinquent boys of 15 to 18 opened.

G. I. GIARDINI
Superintendent of Parole Supervision, Board of Parole, Harrisburg
NORMAN V. LOURIE
Executive Deputy Secretary, Department of Welfare, Harrisburg

Rhode Island

1899 First completely state-administered probation system in U. S.; Board of Charities and Corrections empowered to appoint officers to serve all courts.

1909 Any child under 16 to be arraigned and tried in proceeding separate from other cases.

1915 Law authorizes Board of Parole, for adult parole only.

1922 Division of Probation and Criminal Statistics created within Department of Public Welfare for supervision and control of all probationers and parolees and for gathering criminal statistics.

1923 Special treatment ordered for dependent, neglected, wayward, and delinquent children under 16 who violate law unless offense is murder or manslaughter.

1926 Any court can at any time before sentence place juveniles or adults eligible for bail (except if charged with treason, murder, robbery, rape, arson, or burglary) under probation officer's supervision.

1927 Superior Court allowed to defer sentence for 5 years on felony. If defendant violates within this period, sentence on original charge allowed.

1935 Probation officers assigned to domestic relations court.
Chief of Division of Probation, Parole, and Criminal Statistics appointed secretary of Parole Board; to conduct preparole investigations and supervise all parolees.

1938 Department of Public Welfare reorganized as Department of Social Welfare.

1939 Division of Probation and Parole placed under civil service.

1944 Statewide uniform juvenile court established; 2 full-time judges authorized; juvenile court age raised to 18. Administrator of Division of Probation and Parole authorized to appoint, with chief judge's approval, additional probation officers after competitive civil service examination.

1947 Division of Defective Delinquents established within Department of Social Welfare; probation officer, among other agents, authorized to file in court an application for defendant's commitment to Hospital for Mental Diseases.

1948 New parole law places Parole Board within Department of Social Welfare; 3-man Board: psychiatrist or neurologist, lawyer, professional in correctional work, social work, or closely related field.

1956 Corrections act centralizes adult and juvenile institutional and community correctional services in Division of Correctional Services of Department of Social Welfare. Prison and reformatory abolished; 3 institutions—maximum, medium, and minimum custody—created for male adults. County jails under Division of Correctional Services; 3 county jails closed. Courts no longer commit to specific institutions; classification board classifies all inmates, designates institution and kind of custody. Vocational training and education for all adult inmates. Defective delinquents may be supervised by Division of Probation and Parole. Presentence investigation mandatory on any charge for which sentence of more than one year can be imposed.

Joseph H. Hagan
Administrator, Probation and Parole, Department of Social Welfare, Providence

Harold V. Langlois
Assistant Director, Correctional Services, Adult Correctional Institutions, Howard

South Carolina

1900 John G. Richards School for delinquent Negro boys established at Columbia.

1908 Industrial School for delinquent white boys established at Florence.

1918 Industrial School for delinquent white girls established at Columbia. John De La Howe School for boarding care, vocational training, and job placement of dependent children opened at McCormick (children sometimes placed there by juvenile courts and Federal Bureau of Prisons).

1920 Children's Bureau, child-caring adoptive service, established. Whitten Village, training school, established at Clinton for mentally defective children.

1923 Jurisdiction of probate court expanded in counties of between 90,000 and 100,000; separate children's court for children under 18.

1927 First independent juvenile court in state established in Greenville. (Spartanburg followed in 1943, Rock Hill within a few years. From 1952 to 1956, additional courts established in Anderson, Union, Lancaster, Kershaw, Laurens, Orangeburg, Sumter, Greenwood counties.)

1936 Domestic relations courts authorized in all counties over 60,000 by the 1930 census. Charleston and Columbia, in this class, quickly establish courts with jurisdiction over virtually all matters affecting minors.

1941 Probation, Parole and Pardon Board created to investigate case of every prisoner on county gangs or in penitentiary, to grant paroles and pardons, and to supervise adult probationers from state courts. (In 1949 exclusive parole and pardon power bestowed on Board.)

1952 Mental Health Commission established. (Clinics now working in Columbia, Charleston, Spartanburg, Florence.) Pineland, training school for mentally retarded Negroes, established (opened 1953).

1953 Greenville County Rehabilitation Camp for young offenders authorized.

1954 First rehabilitation camp for youthful offenders built at Simpsonville.

WILLIAM C. NAU
Chief Probation Officer, U. S. District Court, Greenville

South Dakota

1915 Juvenile divisions in county courts created with exclusive jurisdiction over delinquent and neglected children under 18. First full-time juvenile probation officer appointed.

1921 First state parole officer appointed to serve both penitentiary and training school.

1937 Osborne Association recommends many improvements in Training School at Plankinton to governor.

1938 Appointment of first parole officer serving training school exclusively.

1939 Reformatory for first offenders up to age 30 established in wing of penitentiary, where it still is.

1955 Department of Probation and Parole established with full authority to provide investigative and supervisory service for Parole Board and circuit courts. Three probation and parole agents appointed in addition to director.

1956 State Probation and Parole Association organized.

1957 Staff of Department of Probation and Parole doubled; 2 new field offices established; office of institution agent set up for first time; administration of department changed.

ARTHUR L. CANARY
Director, Department of Probation and Parole, Sioux Falls

CLARENCE M. SATNAN
Chief Probation Officer, Minnehaha County Probation Office, Sioux Falls

Tennessee

1903 First parole law provides for parole of persons under 16. Board of Parole established 10 years later, under indeterminate sentence and parole law, to grant paroles to any penitentiary inmate; no parole supervisors until 1921, when 2 provided.

1905 Misuse of prison contract labor; Prison Investigation Commission reports to legislature on prison conditions (prison built 1898 with no provision for employment). Prison Division authorized to pay prisoners on release.

1911 First juvenile court act establishes juvenile court in each county; 10 years later special courts created in 8 metropolitan centers.

1923 Authority to parole given to Commission on Institutions. Control of prisons placed in Department of Institutions headed by Commission.

1931 "Good time" allowances for all prisoners, including parolees, restated; "honor grades" established.

1937 Division of Pardon, Parole and Probation established to administer parole. Board to establish rules for hearing procedures, granting paroles. Commissioner authorized to appoint 10 parole officers. Division of Prison Industries established in Department of Corrections, now employs 57 per cent of all prisoners in 13 industries.

1940 Advisory committees to Department of Institutions and Public Welfare created; report on correctional institutions, pardons, probation, paroles, prevention. Recommendations include Department reorganization and addition of professional staff. In 1949, Board reorganized but additional personnel not provided. In 1955, Department of Institutions becomes Department of Corrections.

1949 Commission on Children established to study functions and facilities of agencies charged with child care, control, protection, rehabilitation.

1950 Penal system surveyed by director of Federal Bureau of Prisons but recommendations not acted upon.

1951 Commission on Children reports to governor on children's needs. Many recommendations adopted by legislature; Permanent Commission on Children requested.

1955 An independent Commission on Youth Guidance established to work with all organizations interested in juveniles, coordinate efforts of existing departments, work with juvenile courts. Juvenile court law revised to meet modern conditions and treatment concepts.

1957 Youth Commission involved in many programs; has assisted legislature in fulfilling some major programs and coordinating local and state efforts. State Division of Juvenile Probation established. General Assembly requests legislative committee to study feasibility of statewide district family courts.

CHARLES H. MILLER
Director, Legal Aid Clinic, University of Tennessee College of Law, Knoxville

Texas

1913 Law defines delinquent child, provides for commitment to foster homes and institutions.

1916 School for white delinquent girls opened near Gainesville.

1921 First licensing law to protect children in foster care passed; administered by Department of Health.

1927 Largely as result of public demand, training school for delinquent Negro girls created by law—but no money appropriated until 1946, when school opens in abandoned prisoner-of-war camp at Brady.

1931 Division of Child Welfare under Board of Control created, to administer licensing law; provides first service for children other than institutional care.

1936 Constitutional amendment creates Board of Pardon and Parole; governor cannot grant executive clemency without signed recommendation of Board except for first 30-day stay of execution in capital cases.

1939 Department of Public Welfare created; Division of Child Welfare and public assistance functions transferred to it. As a result, some social service in every county through centralized department.

1943 Juvenile court created in each county.

1947 Adult probation and parole provided by law but no appropriation provided.

1948 Juvenile court act of 1943 improved and modernized.

1949 Youth Development Council created (as result of conditions at training schools and rise in delinquency) to administer training schools and care of children adjudged delinquent; begins improving conditions in institutions and serving communities in their treatment of delinquents.

1950 Special session of legislature removes school for Negro girls to more suitable site, appropriates money for new plant.

1957 Adult probation put on local level, parole on state level. General appropriation provides for parole officers and administrative costs.
Three additional children's institutions placed under Youth Council administration.

HAROLD J. MATTHEWS
Consultant, Institutions, Child Welfare Division, Department of Public Welfare, Austin

Utah

1903 Juvenile court initiated; appointment of probation officers by municipal, state, or district courts upon nomination by children's aid society authorized.

1905 Juvenile court commission (mayor, chief of police, superintendent of schools) established in cities of first and second class; to establish juvenile court paid for by cities. In cities where court not established, and

in cities other than first and second class, district courts authorized as juvenile courts.

1907 Juvenile Court and Probation Commission created with same power as juvenile court commissions except that cost of service is borne by state.

1909 Separate juvenile court established in each judicial district.

1913 State to provide each judicial district with a judge and chief probation officer; cities authorized to appoint other officers.

1931 Juvenile court law enacted; patterned after Standard Juvenile Court Act and recommendations of U. S. Children's Bureau.

1937 Department of Adult Probation and Parole created to provide statewide adult probation and parole.

1941 Juvenile Court and Probation Commission replaced by Public Welfare Commission.

1944 Bureau of Services for Children established within Department of Public Welfare to coordinate juvenile court and child welfare work; establish working relationship with industrial school, training school, and all other public and private agencies serving children; remains to date. Juvenile court judges appointed by Public Welfare Commission for 4 years. All judges required to travel within their districts to hold court and coordinate services. Time not spent in courtroom used to interpret program to public and correlate court's supporting services. Probation officers appointed by judges from eligibility lists established by merit system examination; continuous on-the-job training integral to system. Juvenile court services available in all areas; full-time judge presides over 3 of 6 districts.

1951 Board of Corrections, which administers prison and adult probation and parole department, enlarged from 3 to 7 part-time members; appointed by governor with Senate approval. Board of Pardons (paroling authority) changed from 7-member board (governor, attorney general, and 5 members of Supreme Court) to 3-member board, part-time, paid per diem. Utah Prison moved from Salt Lake City (Sugarhouse) to Draper.

1955 Appropriation establishes psychiatric clinic in prison.

JOHN FARR LARSON
Director, Bureau of Service for Children, Department of Public Welfare, Salt Lake City
W. KEITH WILSON
Chief Agent, Department of Adult Probation and Parole, Salt Lake City

Vermont

1898 Statewide probation established by statute.

1912 Probate courts given jurisdiction over delinquent children.
All probation laws codified.

1915 Juvenile court jurisdiction transferred to municipal courts.
1917 State detention farms established by statute.
1921 House of Correction for men made department of prison at Windsor, and women's reformatory established at Rutland.
1923 Commissioner of public welfare empowered as state probation officer.
1947 Department of Institutions and Correction, containing Division of Probation and Parole, created. Advisory Parole Board created to assist governor in exercising his pardoning power.
1951 Court allowed discretion to adjudge offenders 16-20 as delinquent minors. Additional probation and parole officers authorized for supervision of minors under 21.
1955 Legislature approves more probation and parole officers for supervision of youthful offenders.
1957 Position of institutional parole officer created at prison and House of Correction for men.

JOHN V. WOODHULL
Director, Probation and Parole, Department of Institutions, Montpelier

Virginia

1906 Highway Commission and State Convict Road Force established.
1908 Board of Charities and Corrections established to visit, inspect, and make recommendations on jails and almshouses. Board lacks administrative powers, but its recommendations lead to development of child welfare and juvenile court program.
1910 Private hearings provided in lower courts for any juvenile under 17. Privately chartered associations (for instance, Juvenile Protective Association) can designate, with court's consent, certain employees as probation workers; police officers can also serve in this capacity.
1912 First juvenile court established in Richmond—special sessions of police court in rooms set aside for this purpose; in 1916, becomes first separate juvenile and domestic relations court.
1914 Juvenile and domestic relations courts authorized in cities over 50,000. Juvenile age, under 18; physical and mental examination of children suggested.
1915 Ex-prisoner's Aid Society formed.
1918 Appointment of probation officers to juvenile and domestic relations, corporation, and circuit courts authorized.
Extensive reforms carried out over 4-year period (to 1922) in penitentiary. convict road camps, and farm. Prisoners allowed small pay for work. Better communication allowed between prisoners and outside world. Stamped uniforms abolished. Better medical care, manual and occupational training, elementary school classes, and full-time director of religious and educational activities provided.
1919 Probation law provides for presentence and postsentence investigations,

suspended sentence or suspended imposition of sentence, and probation. But only a few courts employ supervising officers, and most work voluntarily.

1922 Juvenile and domestic relations code amended to establish juvenile and domestic relations courts in cities of over 25,000. Appointment of special justice of county juvenile and domestic relations courts optional. Issue for the court established as: does child require state to intervene and assume guardianship? Option of providing probation officers extended to every city and county. Board of Welfare and Children's Bureau established with special responsibilities for dependent, neglected, and delinquent. Children's Bureau responsible for all delinquent children committed to state by local courts during minority; broad powers include placement in foster home at state level, transfer to training school, placement back in own home, training in private facility, and supervision upon child's return to community. Jurisdiction ceases when child reaches 21. This legislation made Virginia the first state to adopt a youth authority act.

1929 Prison labor to manufacture industrial articles; products to be used by tax-supported agencies only.

1936 Trial justice court judge to act as judge of juvenile and domestic relations court; separate juvenile and domestic relations courts retained in larger cities.

1938 Appropriation made, and land purchased, for farm for youthful first offenders.

1939 Women removed from penitentiary and sent to Industrial Farm for Women.

1942 Parole Board, statewide system for adult probation and parole, and Department of Corrections established. Fees to sheriffs and city sergeants abolished.

1944 Constitution amended to allow governor to name board to handle commutation of death sentences, reprieves and pardons; board functions from 1945 to 1948, when duties return to governor as part of reorganization.

1951 Permanent Road Camp established (first proposed 1935).

1952 Division of Youth Services created to consolidate Children's Bureau and 4 training schools. Bureau of Juvenile Probation and Detention within Division of Youth Services created to assist localities in developing prevention, detention, and other social services in local juvenile and domestic relations courts.

1957 Trained staff serving all courts in all sections as result of 15-year effort to improve and use effectively probation and parole statutes.

Donald Barrow
Assistant Chief, Bureau of Juvenile Probation and Detention, Department of Welfare and Institutions, Richmond

Charles P. Chew
Director, Parole Board, Richmond

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Washington

1909 Courts first permitted to suspend sentence of adult offenders.

1913 Original juvenile court jurisdiction over minors under 18 vested in Superior Court.

1934 Lincoln Day riot at penitentiary with fatalities among guards and prisoners leads to independent Board of Prison Terms and Paroles and indeterminate sentencing law.

1939 Courts authorized to grant probation to adult offenders, enter dismissal when conditions of probation are complied with, request presentence investigations from integrated, statewide probation and parole staff.

1945 Death of 16-year-old while detained in King County jail leads to construction of Youth Service Center and establishment of professional standards for county probation personnel.

1947 Broad power granted Board of Prison Terms and Paroles to review and adjust downward the duration of institutional confinement.

1951 Division of Children and Youth Services, and a 21-member advisory Council for Children and Youth, created in Department of Public Institutions; responsible for state juvenile institutions. Diagnostic centers, forest camps, boys ranches, and parental schools authorized.

1952 First of 3 forest camps established—one for committed delinquents, others for convicted offenders.

1953 Riots at penitentiary and reformatory bring legislative investigation and reorganization of Department of Public Institutions.

1955 Washington Probation and Parole Association reorganized; sectional memberships, regional divisions, and emphasis on professional standards.

1957 Department of Institutions established with 7-member advisory commission; acquires 3 additional juvenile correctional facilities.

VAN R. HINKLE
Supervisor, Division of Children and Youth Services, Department of Institutions, Olympia

West Virginia

1899 Advisory Board of Pardons created, with governor as final arbiter; discontinued 6 years later.

1916 Office of pardon attorney created to work with penitentiary parole board.

1936 Juvenile court law enacted as part of broad legislation to protect and assist children; includes probation services.

1937 Medium security prison established to rehabilitate selected prisoners and relieve overcrowding at penitentiary.

1939 Department of Probation and Parole created, initiating casework approach to probation and parole. Indeterminate sentence law revised.

1947 Prison for Women established to remove women from penitentiary and provide vocational training and rehabilitation.

1952 Riot and unrest at prison leads to 3-member Parole Board (created 1953).

1953 First county work farm for misdemeanants established in Kanawha County.

1955 Forestry camps authorized for youth between 16 and 21. First one established in following year at Blackwater Falls, Tucker County. Unrest in prison causes revamping of parole law with respect to eligibility and minimum time served.

1957 Legislation provided for treatment of sex offenders.

THOMPSON R. FULTON
Head, Department of Social Work, West Virginia University, Morgantown

Wisconsin

1901 First juvenile court established in Milwaukee county. Detention of juveniles under 14 in jail or police lockup prohibited. Appointment of voluntary probation officers, and placement of delinquent child in foster boarding home under probation officer's supervision, authorized.

1907 Present parole law enacted.

1909 Probation provided under Board of Control for first felony offenders. Three supervising agents employed.

1911 Juvenile courts authorized for all counties; appointment of probation officers at local discretion.

1912 Honor system (no dogs or armed guards) inaugurated at prison farms and on construction of 4 new institutions in various parts of state.

1913 Huber Law—daytime parole for misdemeanants in jail—enacted.

1919 Prison labor starts manufacturing auto license plates.

1921 Juvenile department created within Board of Control to administer laws protecting children.

1924 Progressive corrections philosophy developed by reorganized Board of Control. Psychiatric Field Services (psychiatrist, psychologist, and physician) established to serve penal institutions.

1927 Legislature told that unless adequate probation services provided, another prison would have to be built. Result: substantial increase in staff.

1929 Comprehensive Children's Code adopted, governing juvenile delinquency, child placement, licensing of foster homes, adoption, children born out of wedlock, aid to dependent children. Jurisdiction of juvenile court broadened to include all violations of law by juveniles under 18.

1931 Probation for other than first felony offenders allowed. Two forestry camps (operated by prison) opened in northern part of state.

1932 Plan adopted to supervise probationers and parolees under one division. (Previously, parolees supervised by agent of institution.) Between 1932 and 1935, Division of Probation and Parole of Board of Control takes over supervision of parolees from penitentiary, Industrial Home for Women, Prison for Women, Milwaukee County House of Correction, and Reformatory.

1933 Probation cases now total 1,793 (compared with 336 in 1926). Prison labor contract terminated. Prison school enlarged and third forestry camp established. Prison for Women opened.

1938 Psychiatric Field Service inaugurates presentence service to courts; 4 psychiatrists and 5 psychologists serve state from 4 headquarters.

1939 Board of Control abolished and replaced by Department of Public Welfare composed of policy-making board, director, 5 divisions (Corrections, Public Assistance, Child Welfare, Mental Hygiene, and Administration and Research).

1941 Modern school for delinquent girls opened.

1945 Prison for Women and Industrial Home for Women merged to form Home for Women. In-service training for custodial staff started at reformatory.

1947 Probation permitted for all offenses including first degree murder. Governor's approval of all prison paroles no longer required.

All juvenile commitments made to Department of Public Welfare rather than to specific institutions. Complete flexibility in treatment planning and treatment facilities authorized. Pioneering delinquency prevention program, with staff of community service specialists, launched.

1950 Nation-wide recruitment undertaken for probation and parole agents with 2 years graduate training in social work.

1951 Conditional release and sex deviate statutes enacted. Bureau of Personnel places all probation and parole agents in social work series, requiring new agents to have graduate training. Legislature agrees in principle to average probation and parole caseload of 40 per agent.

Legislature appropriates $100,000 per biennium for foster home placement of delinquents. Position of juvenile court consultant created in Department of Public Welfare. Advisory committee of juvenile court judges created; statewide juvenile court reporting becomes first major cooperative project of Department and this advisory committee. Advisory committee (33 members) to Division for Children and Youth of Department of Public Welfare appointed.

1953 Position of juvenile law enforcement consultant created in Department of Public Welfare. Training courses and statewide law enforcement system covering all juvenile apprehension begun as cooperative projects.

1954 Diagnostic Center opened to provide psychiatric study and diagnosis of juveniles committed to Department. Intake subsequently opened to direct referrals from juvenile courts for pre-disposition studies.

1955 Major revision of Children's Code; court and child welfare services mandatory in every county. Money for 2 new boys' schools—one medium security and one open—appropriated. Building commission allots money for many improvements at correctional institutions. Average caseload of 40 per agent finally achieved.

1956 One additional forestry camp, a trainee program, and educational stipend for social workers established.

1957 Funds allotted for start on new medium security prison.
Governor proposes broad demonstration and research program in community prevention of delinquency and related social ills.

Fred DelliQuadri
Director, Division for Children and Youth, Department of Public Welfare, Madison

Sanger B. Powers
Director, Division of Corrections, Department of Public Welfare, Madison

Wyoming

1905 Board of Pardons of 5 elected state officials established to investigate executive clemency applications and recommend to governor.

1907 Courts authorized to place child under 14 as ward of child care agency prior to committting him to reform school.

1909 Indeterminate sentence allowed in form of maximum and minimum term for commitments to penitentiary; also, bench parole (probation before sentencing).

1911 Industrial Institute, reform institution for delinquent boys, established.

1925 Girls' Industrial Institute, for custody and discipline of "incorrigible girls," established.

1939 Suspension of trial or imposition of sentence allowed.

1941 Department of Probation and Parole created (first probation and parole officers for field supervision provided by this law).

1948 Constitution amended authorizing legislature to establish juvenile and domestic relations courts.

1949 Youth Council established by legislature to improve laws and programs on youth.

1951 First juvenile court act provides noncriminal procedures, mandatory social investigation, deferred hearings, restrictions on jail detention; 7 district courts (courts of record) to sit as juvenile courts, presided over by 11 judges.

Sex offenders guilty of felonies and serious misdemeanors to be disposed of by mental and physical examination, confinement in mental hospital, and indeterminate sentence of maximum not exceeding statutory sentence period.

1954 New 128-inmate cell block constructed at penitentiary, bringing capacity to 450. (In territorial period 1879-1890, felons confined in Nebraska penitentiary; Wyoming penitentiary established Laramie in 1890, moved to Rawlins in 1900).

1955 Full-time classification officer hired at penitentiary.

1956 Board of Pardons provides automatic review of all cases after inmate serves half of maximum term with good-time deductions.

1957 Court authorized to sentence convicted misdemeanant to jail with day parole (based on Wisconsin's "Huber Law").

NORMAN G. BAILLIE
Probation and Parole Officer, Department of Probation and Parole, Cheyenne

MRS. BROOKE WUNNICKE
Executive Secretary, Wyoming Youth Council

District of Columbia

1906 Juvenile court established (first under federal auspices); jurisdiction over children up to 17, fathers failing to support minor children, adults contributing to delinquency or violating Child Labor and compulsory education laws.

1908 Commission of Penal Institutions recommends penal reforms, including establishment of new workhouse, reformatory for prisoners between 17 and 30; necessary appropriations made 1909 for workhouse and reformatory.

1910 Federal parole applied to D.C. prisoners (see United States summary). Probation established for prisoners convicted and sentenced in D.C. Supreme Court and Municipal Court.

1911 New workhouse at Occoquan, 24 miles from Washington, completed.

1912 Juvenile court jurisdiction enlarged to include determination of paternity of children born out of wedlock.

1913 1,500-acre site purchased at Lorton, adjoining workhouse, for reformatory for males 17-30. (Opened 1916.)

1926 Penal institutions transferred from Board of Charities to new Board of Public Welfare.

Board of Public Welfare succeeds Board of Children's Guardians, to coordinate welfare activities and receive dependent and delinquent children committed by juvenile court.

1928 Detention home for children awaiting juvenile court action approved.

1930 Parole power transferred to U. S. Board of Parole (see United States summary).

1932 Indeterminate sentence law passed for prisoners convicted in D.C. of a felony. Maximum sentence not to exceed statutory limits, minimum

not to exceed one-fifth of statutory maximum. Board of Indeterminate Sentence and Parole composed of 3 members appointed by Board of Commissioners to serve without pay. U. S. Board of Parole jurisdiction over D.C. prisoners transferred to this new Board. Authority for appointment of parole officers and other staff vested in this Board. Good-conduct releasees to be treated as parolees (see United States summary). Courts hold this law to apply to D.C. prisoners.

1935 Special committee on parole (appointed by Board of Commissioners) recommends full-time, salaried, 3-man parole board and additional institutional and field parole staff.

1938 Prison Industries Reorganization Administration surveys prisons, probation, and parole; recommends extension of parole to misdemeanants, enlargement of Board to 5 members, expansion of institutional and field parole staff, appropriations for parole administration to go to Board rather than to penal institutions.

Congress passes new D.C. juvenile court law patterned on Standard Juvenile Court Act; extends jurisdiction, original and exclusive, to under 18.

1940 Board of Indeterminate Sentence and Parole established as independent agency under Board of Commissioners with own appropriation and budget. Indeterminate Sentence Act of 1932 amended; minimum not to exceed one-third of maximum imposed by judge (rather than one-fifth statutory maximum).

1943 Guidance clinic staffed by psychiatrist and psychologist becomes part of juvenile court.

1946 Penal institutions transferred from Board of Public Welfare to new Department of Corrections directly responsible to Board of Commissioners.

1947 New Board of Parole of 3 members appointed by commissioners, one full-time and paid, 2 not paid; given parole power where sentence exceeds 180 days regardless of offense (given additional jurisdiction in misdemeanant cases); discretionary authority to apply to court for reduction in minimum if parole would be compatible with social welfare.

1949 Probation officers of D.C.'s U.S. District Court placed under federal probation system.

1952 Federal Youth Corrections Act of 1950 extended to prisoners convicted in D.C., which is authorized to use federal institutions for these offenders until it establishes its own facilities.

1954 $259,000 appropriated by Congress for Youth Center near reformatory at Lorton.

Improvements in law enforcement made after extensive Congressional investigation. Mandatory minimum sentence increased for crime of violence after prior conviction of similar crime. Council on Law Enforcement created, to report to Congress annually. Health Department to provide psychiatric services to courts, Department of Corrections, and probation and parole systems.

1957 Board of Commissioners' Committee on Prisons, Probation, and Parole recommends full-time, 3-member parole board, with salaries to attract high caliber members; empowered to discharge from parole prior to expiration of sentence; staff increased to expand and develop parole program. (Some of these recommendations now being implemented.)

COL. CAMPBELL C. JOHNSON
Chairman, Board of Parole

JOHN J. LARKIN
Director of Social Work, Juvenile Court

United States

1908 National Training School for Boys established.

1909 First federal probation bill, prepared by N. Y. State Probation Commission and NPA, introduced in Congress.

1910 Federal parole established for U. S. prisoners serving terms of over one year. Separate parole board for each U. S. penitentiary. Parole approved by U. S. attorney general.

1916 U. S. Supreme Court holds, in Killits case, that federal district judges are without power to suspend sentences but suggests "probation legislation or such other means as the legislative mind may devise . . . to enable courts to meet by the exercise of an enlarged but wise discretion the infinite variations which may be presented to them for judgment. . . ."

1925 Federal probation system established.

1927 First federal probation officers (3) appointed.

1930 U. S. Board of Parole, 3 full-time members, supplants separate parole boards. Federal probation officers given responsibility for supervising federal parolees.

1931 Number of federal probation officers now 62.

1932 Federal prisoners receiving good conduct deductions from maximum sentence treated when released as if on parole; results in conditional release of felony prisoners.

Persons under 21 charged with federal offense may be surrendered to state authorities.

1938 Federal Juvenile Delinquency Act provides for care and treatment of persons under 18.

1939 National Training School for Boys transferred to U. S. Department of Justice, to be administered by director of Bureau of Prisons.

Federal Probation first appears as printed quarterly journal.

1940 Newly created Administrative Office of U. S. Courts takes over from Federal Bureau of Prisons responsibility for administering federal probation system.

1942 Judicial Conference of the U. S. recommends minimum requirements for appointment of federal probation officers.

1944 Federal probation system asked by Army to supervise military prisoners on parole.

1946 Federal Rules of Criminal Procedure prescribe presentence investigation and report to the court before sentence or probation, unless court directs otherwise.

1949 Administrative Office of U. S. Courts, in conjunction with District Court for Northern District of Illinois and University of Chicago, establishes Federal Probation Training Center at Chicago.

1950 Federal Youth Corrections Act provides for treatment and rehabilitation of offenders under 22.

Number of federal probation officers now 304.

1956 $3,600,000 appropriated for construction of Youth Center for offenders sentenced under Federal Youth Corrections Act.

Compulsory hospitalization of drug addicts through civil commitment made compulsory. Penalties for violations of federal narcotic statutes increased; violators ineligible for parole except for some first offenders.

1957 Number of federal probation officers now 481.

VICTOR H. EVJEN
Assistant Chief of Division of Probation, Administrative Office of U. S. Courts, Washington, D.C.

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